Planning Commission Regular Meeting

September 21, 2022 6:30PM

Big Rapids City Hall 226 N Michigan Ave

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Approval of Minutes
 - a. August 17, 2022
- 5. Public Comment Unrelated to Items on the Agenda
- 6. Public Hearing
 - a. Proposed Amendments to the Zoning Ordinance Articles 2, 3,4, 9, 11, and 12.
- 7. General Business
 - a. Site Plan Approval Extension Request for 614 S State Street
 - b. Annual Organizational Meeting
- 8. <u>Unscheduled Business</u>
- 9. Adjourn

CITY OF BIG RAPIDS PLANNING COMMISSION MINUTES August 17, 2022

Unapproved

Chair Jane called the August 17, 2022 meeting of the Planning Commission, to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Rory Ruddick, Chris Jane, Kate McLeod, and Megan Eppley

EXCUSED Sarah Montgomery and Jacob Buse

ABSENT Kasey Thompson

ALSO PRESENT Paula Priebe, Community Development Director

Emily Szymanski, Planning & Zoning Technician

There were 9 people in attendance.

APPROVAL OF MINUTES

Motion was made by Eppley seconded by McLeod, to approve the minutes of the July 20, 2022 meeting of the Planning Commission as presented.

Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Joe McNally, representing Krist Oil, gave an update regarding the proposed Krist Oil gas station and food mart at 827 N State Street. This project was discussed during the July 20, 2022 Planning Commission meeting. One of the main concerns expressed by Commissioners during the Site Plan Review was regarding the driveway location and speed deterrents off of the alley. Krist Oil is in the process of working with the City's Engineering Firm, Fleis & VandenBrink, to address these concerns. One new concern discovered after the Site Plan Review meeting is regarding the soil saturation and drainage of the site. MDOT has requested a more in-depth soil saturation study to ensure that the catch basin will be sufficient for the runoff load. Krist Oil will present the Planning Commission with the revised plans during an upcoming meeting.

PUBLIC HEARINGS

Site Plan Review for an Expanded Parking Lot at 520 S Third Avenue

The Public Hearing was opened at 6:35 PM.

Priebe summarized the Staff Report stating that the Applicant, Fluresh, LLC is applying for a Site Plan Review for an expanded parking lot at 520 S Third Avenue. Their proposal will utilize the property at 520 S Third Avenue as well as 510 S Third Avenue. Both parcels are zoned C-3 Commercial and are located on the southeast side of Big Rapids. Fluresh, LLC also owns the two parcels immediately to the south of 520 S Third Avenue. The site plans were distributed to the Fire Marshal, the Public Works Department's Engineering staff, the Building Official, and the Zoning Administrator for their review. The Fire Marshal, City Engineer Technicians and the Building Official found no issues with the plans. During the zoning review of the plans, staff discovered that the current plans are missing bicycle parking. The site requires space for two bicycles and will need to be added to the revised plans.

Tracy Hutchinson, Civil Project Manager for Driesenga & Associates, Inc. spoke on behalf of the Applicant, Fluresh, LLC and stated the project is simply for adding on to the existing parking lot to support more customers for their business. The site has been cleared with new drive aisles and landscaping. The plans will be updated to incorporate bicycle parking.

Those Who Spoke in Favor of the Request:

John Gibson of Construction Simplified and Construction Manager for Fluresh LLC, stated that the site is being improved and is being utilized nicely.

Those Who Spoke in Opposition of the Request: None heard

Telephonic or Written Correspondence Received by Staff: None received

Chair Jane closed the Public Hearing at 6:42 PM and the Commission entered into Fact Finding.

The conversation ensued over the following topics:

- How soon will project begin after the Site Plan is approved? Mr. Gibson stated that his crew will begin as soon as they possibly can.
- How is the soil quality for the site? Ms. Hutchinson stated that the soils are sandy and drain great.

Motion was made by Kate McLeod, seconded by Megan Eppley to move that the Site Plan Review Application for an expanded parking lot at 520 S Third Avenue (PIN 17-14-204-009) be approved with one condition as it meets the Criteria for Review found in Section 9.9:6 of the Zoning Ordinance, with the addition of bicycle parking for two bicycles to meet the requirements in Section 5.7:2 of the Zoning Ordinance.

Motion passed with all in favor.

GENERAL BUSINESS

Discussion of Proposed RRC and Form-Based Code Amendments to the Zoning Ordinance – Draft Zoning Ordinance Amendments

Priebe summarized the continuous work Staff and Planning Commissioners have made to the proposed restructuring and changes to the Zoning Ordinance. This process was initiated as part of the Redevelopment Ready Communities (RRC) and is required to become RRC Certified. It is also driven by the findings of the Housing Study. Discussion thus far included downtown district standards, the use table, housing types, residential design standards, and zoning map alterations. A working Group of City Staff and three Planning Commissioners met on Wednesday August 10, 2022, to review possible changes to the Zoning Map. A primary topic of conversation was the degree of change to the map at this time. After considering options and factoring in the current Future Land Use Map and the timing of updating the Master Plan, it was decided that only needed fixes would be proposed at this time. The Public Hearing for the proposed Map Amendments will take place during the October Planning Commission meeting in order to meet the requirement of having larger rezoning proposals be posted for 60 days whereas the text amendment requires a 15-day notice.

Priebe walked through the entire proposed Amended Zoning Ordinance with Planning Commissioners. The following are comments and suggestions from Commissioners regarding the five Sections that have proposed changes:

Article 2. Definitions –

Changes to this Section:

- Several definitions have been added to meet form-based code standards (i.e. parking setback, dooryard, fenestration, frontage, accessory dwelling units, etc.).
- Different restaurant types have been added due to different regulations for each.

Comments from Planning Commission:

In agreeance with new organization and additions to the Definitions section. Remove myotherapy establishment and Petroleum Bulk Plant from the list of uses.

<u>Article 3. Use Table (Within the District Regulations) – </u>

Changes to this Section:

- The addition of the Use Table will be added to this Section.
- Townhouses and Flats/Small Apartments How would those work in the C-2 Commercial District (the downtown)? These housing types would not be permitted in the new Storefront District. They are permitted along other C-2 Commercial zoned properties such as along Warren Avenue or N State Street.
- Apartment complexes are currently regulated in the Zoning Ordinance as a Special Land
 Use. Staff suggests that since apartment complexes are only allowed in the R-3
 Residential District, they should be allowed by right. Apartment complexes would still be

- required to go through Site Plan Review and the standards of a Special Land Use would already be discussed during the Site Plan Review.
- Drive-thru and Drive-in Restaurants are currently allowed in the C-1 and C-3 Districts as a Special Land Use. Staff suggests that these uses should be allowed by right. These developments must go through Site Plan Review which provides scrutiny of plans.
- Addition of Accessory Dwelling Units (ADU's). Staff recommends that they be allowed in every Residential District. The Standards would allow one per property and must meet additional standards such as lot size, size of the accessory dwelling, adequate parking, etc.
- Home Occupations are currently regulated as a Special Land Use. Staff recommends that this use be administratively approved via a Zoning Permit. This is generally agreed, but must go through broader revision process and will be brought back to the Commission at a later meeting.
- Check Cashing or Payday Loan Stores are currently permitted in the C-3 Commercial District only. Staff received a question regarding if this use should also be allowed in the C-1 Commercial District (along Perry Avenue)?
- Disallow Personal Vehicle Sales, Service, and Rentals in the C-1 Commercial District. This use is only permitted in the C-3 Commercial District.

Comments from the Planning Commission: In support of suggestions made by Staff.

Article 3. District Regulations –

Changes to this Section:

- R-P: Added a 'width (max.)' to keep new developments to a smaller size.
- R-1: Lot area minimums. Current Zoning Ordinance requires a parcel in the R-1 to be 11,250 sq ft. The proposed lot area minimum is 7,500 sq ft. This number "right sizes" the Zoning Ordinance requirements to the average lot sizes in areas zoned R-1. Front yard maximums have been changed so that if someone has a large lot, they can't build a house so far away that it can't be seen from the road.
- R-2 and R-3: Lot area minimums proposed to decrease to match the average lot size in these Districts. Impervious coverage maximums for both Districts are increased so that greater density is permitted. Rear yard setbacks with/without an alley have been added because alleys alter property utilization. Building widths have been changed in both Districts has well.
- R-R: All of the Siting and Building Requirements in this Section have been added in order to meet best practices of RRC and form-based code. This District was designed to be a buffer District between the busy commercial area and residential areas. The proposed changes reflect the intent of the District.
- C-1: No changes.
- C-2: Form-based code related changes to ensure that the downtown is pedestrian-friendly and walkable while encouraging mixed-uses. This District also includes the new Storefront Frontage Overlay, which adds fenestration (doors and windows) requirements,

horizontal articulation (variations in the massing of the buildings so that the buildings create visual interest), ground floor articulation, etc. There are special uses called out in this Overlay District such as only allowing active ground floor uses. These uses could be retail sales and services, restaurant/bars/lounge, etc.

Comments from the Planning Commission: In support of suggestions made by Staff.

Article 4. General Provisions –

Several Sections from Article 4 have been moved or removed as changes from other Sections have been proposed. This is simply to keep the Zoning Ordinance organized. *Changes to this Section:*

- Staff would like the Commission's help with potential changes to Section 4.1:4 Minimum Square Footage Per Dwelling Unit. The numbers stated in this Section currently are quite large. Several individuals and developers have expressed interest in building tiny homes. However, with the current regulations, tiny homes and cottage courts are prohibited. In order to allow these housing types, the numbers need to be reduced. Staff recommends that all numbers in the required square footage per bedroom be reduced by 200. While these numbers are small, they exceed Building Code minimums. The current regulation for a single-family dwelling in R-1 District requires a minimum of 950 sq ft. Staff recommends this number be reduced to 750 sq ft.
- Section 4.2 Design Standards is new to the Zoning Ordinance. This Section sets forth architectural standards applicable to the various zoning districts. These standards are intended to result in construction and development that reinforces the urban form and character of development as well as use and intensity of use established in the Big Rapids Master Plan.
- <u>Proposed change</u> to the definition of a house: "Houses are a building type that has the appearance of a single-family detached house that is appropriately scaled to fit within historically single-family neighborhoods. A house may consist of a detached structure incorporating one unit or semi-detached incorporating two or three units stacked or placed side by side with each unit having access directly to the street".
- Permitting different housing types such as: townhouses, flats/small apartments, accessory dwelling units (ADU's), and cottage courts.

Comments from the Planning Commission:

- Could the Ordinance be amended to prohibit manufactured homes? Staff will research how other communities regulate the difference between manufactured vs. modular homes and the Fair Housing Act. Staff will bring this topic back at a future meeting.
- In support of suggestions made by Staff.

Article 11. Use Standards - Reorganized

<u>Article 12. Planned Unit Development</u> – Moved from Article 11 to create new Article 12. Needs to be amended, updated at a later date.

Article 13, 14, 15, and 16 – Renumbered

The tentative timeline to see this project through to Adoption is as follows:

- August 22 September 20 Educational Sessions and Feedback
 - Publish information on City Website and hold two in-person meetings to inform the public, answer questions, and receive feedback on the proposed Amendments
- September 21 Planning Commission Meeting
 - o Formal Public Hearing on the Complied Zoning Text Amendments
 - o Recommendation to the City Commission
- October 17 City Commission Meeting
 - o City Commission acts on the proposed Zoning Text Amendments
- October 19 Planning Commission Meeting
 - o Formal Public Hearing on the Proposed Map Amendments
 - o Recommendation to the City Commission
- November 14 City Commission Meeting
 - o City Commission acts on the proposed Map Amendments

UNSCHEDULED BUSINESS

Community Engagement Opportunity

Please join us to share your ideas and learn more about:

- The need for changes in residential housing
- Proposed zoning changes
- How rezoning will impact you

When?

- Tuesday, August 30 at 6:00 PM at Big Rapids City Hall (226 N Michigan Avenue)
- Wednesday, August 31 at 1:00 PM at Artworks (106 N. Michigan Avenue)

If you cannot attend an in-person meeting, please visit cityofbr.org to listen to a podcast of the information.

There being no further business, Chair Jane adjourned the meeting at 8:35 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission

FROM: Paula Priebe, Community Development Director

SUBJECT: Public Hearing for Proposed Amendments to the Zoning Ordinance Articles 2, 3,

4, 9, 11, and 12.

DATE: September 21, 2022

Introduction

The September 2022 Planning Commission meeting will include the formal Public Hearing for the many text amendments to the Zoning Ordinance that have been discussed for several years. This process was initiated as part of the Redevelopment Ready Communities program (RRC) and is required to become RRC Certified. It is also driven by the findings of the Housing Study. A few of the additional alterations are part of modernizing the Ordinance and making it more user friendly.

These changes are fully in agreement with the City's Master Plan. The Housing Goal of the 2018 Addendum to the 2009 Master Plan reads: "The City of Big Rapid will work towards creating a balanced range of housing opportunities that includes well-maintained single family homes, multiple family units, and other types of housing". Actions under that goal include "making any necessary amendments to the Zoning Ordinance that encourage quality development or redevelopment of housing. This would including housing to accommodate the needs of families, senior citizens, students, professionals, and others to allow for a varied population in the City. The City will encourage a broad range of housing values to ensure success." Another Action states: "through planning and zoning, the Planning Commission will promote small housing developments" and "encourage the development of smaller, more affordable and sustainable housing." Further, these Zoning Ordinance amendments will help the City work toward the Downtown Goal and the Economic Development Goal.

Discussion Thus Far

Over the past several years, the Planning Commission has spent time at many meetings learning about the RRC program, Form-Based Code, and analyzing pieces of the proposed Zoning Ordinance Amendments in detail. It would be very difficult to adopt one section without two others, because of the intertwined nature of the Ordinance. So, after years of work, we have compiled those sections into two large amendments to the Zoning Ordinance, the text amendments and the map amendments.

The Planning Commission walked through all of the proposed changes at their August 2022 meeting. On August 30 and 31, Community Development Department staff held two public educational meetings to share about the proposed changes and to solicit feedback from those who attended. We had about 25 people attend the evening session and about 12 attend the daytime session. Further, about 5 people have scheduled time to meet with staff one-on-one to learn more and provide feedback. Based on the feedback gathered from these meetings, staff proposed a few changes to the Proposed Amendments as published.

Proposed Changes to the Zoning Ordinance - As Published

In an attempt to make these many changes more easily understood, Staff has been thinking of the changes as falling into one of four categories: Administrative Changes, District Standards, Housing Types, Zoning Map.

Administrative Changes

Definitions

An additional aspect of the administrative side of the changes to the Ordinance is to update and reorganize the Definitions section of the Plan which currently comprises Article 2. Several terms in this section need updating to align with State laws. Other terms have been added to clarify ambiguities or align with the new Use Table.

Use Standards

Other administrative changes include adjustments to Article 11 to clarify some of the Use Standards and to move the Planned Unit Development section to its own Chapter, the new Article 12. (Note: The PUD Section needs to be revised and modernized. This is a task for the near future.) Later Chapters have been renumbered to reflect this change.

Use Table

Adding a Use Table is a substantial but necessary change to the Zoning Ordinance. The Table will replace the 'Principle Uses and Structures' Sections within Article 3 of the Zoning Ordinance. Rather than flipping through countless pages and reading through a laundry list of uses, having a designated Use Table condenses information to be more accessible.

District Standards

Downtown District Standards

A discussion of amended standards for the C-2 and RR districts and changes to the Article 4 General Provisions was led by planning consultant Kathleen Duffy of SmithGroup. These changes are driven by the RRC program and current best practices. They utilize a Form-based Code framework for the walkable areas of the City where that framework is most beneficial.

Residential District Standards

Kathleen Duffy of SmithGroup is an expert in zoning ordinance revision and has been working closely with City Staff to prepare these proposed amendments. The Residential District Standards include a Purpose statement, Siting and Building Requirements, graphics, and Dwelling Unit Occupancy sections for the R-P, R-1, R-2, R-3, and R-4 Districts. Note, the other residential district, the R-R, was already covered with the C-2 earlier in this process. See the attached Draft Document for the new framework and district recommendations. Changes have been marked in blue. This section works hand-in-glove with the Use Table, and collectively will streamline and make more accessible the regulations found in Article 3.

A key purpose behind the changes in these residential districts is to "right-size" the zoning district standards to the actual lot sizes in Big Rapids. The Current Zoning Ordinance has district regulations that make the vast majority of residential lots in Big Rapids non-conforming, because they require very large lots, often double the typical actual lot size in most Big Rapids neighborhoods. By fitting the lot areas and adjusting the setbacks to fit reasonably within those

lot areas, many lots lose their non-conformity and no longer require the exceptions in Article 4 to be buildable lots.

Housing Types

Several additional types of housing were presented to the Commission, including townhomes, flats/small apartments, accessory dwelling units (ADUs), and cottage courts, which are all examples of "Missing Middle Housing" that fall in between the common types of single-family houses and large apartment complexes. These changes were driven by the Master Plan goals, the RRC program, and the findings of the Housing Study.

Zoning Map Alterations

A Zoning Ordinance has two components: the Zoning Text and the Zoning Map. The Text is the written Ordinance, while the Map is how properties are identified and the Text is applied. It is reasonable to look at the Map at this time of other Amendments and make relevant changes.

A Working Group of City Staff and three Planning Commissioners met on Wednesday, August 10, 2022 to review possible changes to the Zoning Map. A primary topic of conversation was the degree of change to the map at this time. After considering options and factoring in the current Future Land Use Map and the timing of updating the Master Plan, it was decided that only needed fixes would be proposed at this time. Substantial changes would be postponed until after a Master Plan Update. The Draft Amended Zoning Map included in this Packet is the result of that Working Group meeting.

Staff Recommended Alterations to the Proposed Amendments as Published

Based on feedback gathered over the past week, staff are recommending several alterations to the Proposed Amendments as Published.

- 2.2:M: add definition of Mezzanine
- Use Table: addition of Fraternal Organizations and Rooming Houses as a Special Land Use in the R-2 District.
- 3.4:1 Purpose statement for R-P District: add desired residential development as house of one unit and up to one ADU.
- 3.5:1 Purpose statement for R-1 District: edit desired development to be house of one unit and up to one ADU.
- 4.1:7: Clarify that this section applies to non-residential accessory structures, not to the new ADU section.

Attachments

Attached to this Staff Report is a copy of the Zoning Ordinance, with the changes marked in red, including sections to be removed struck through and new sections added. The alterations made based on public feedback to date are marked in blue. It was important to Staff that the Planning Commission see the proposed amendments in the context of the rest of the Zoning Ordinance, what sections will be retained, what sections removed, and what sections replaced. This makes for a lengthy Attachment; Staff will walk through the changes at the meeting.

A few formatting errors exist in the document, including changes in font and text size and sometimes losing the header and footer, apologies. These formatting errors will be corrected in the final updated Zoning Ordinance after the amendments are adopted.

The Draft Amended Zoning Map is attached showing the proposed rezonings outlined in red, one version with the current zoning as the base color and a second version with the proposed zoning as the base color.

Timeline

The Public Hearing is at this September 2022 meeting of the Planning Commission. After full review and any final edits or changes being proposed, the Planning Commission will make a recommendation of adoption to the City Commission. The City Commission will act on that recommendation at one of their meetings in October 2022.

Article 1 Short Title

City of Big Rapids – Zoning Ordinance TABLE OF CONTENTS

ARTICLE NUMBER ARTICLE NAME Preamble Preamble Title 1 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 Planned Unit Development 13 Condominiums 14 Zoning Board of Appeals 15 Amendments, Administration and Enforcement 16 Validity, Repeal, Effective Date

[Note 08/17/2022: Chapters with changes are marked in red. Several chapters are just renumbered, those have their numbers marked in red. Sections with no changes are not included in this document, please see the full Zoning Ordinance to view them.]

[Note 09/15/2022: Additional revisions based on Public Feedback to Draft made in blue.]

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 <u>person</u> 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 <u>used</u> or <u>occupied</u> 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 AND RULES OF MEASUREMENT

2.2:A Terms Starting with A

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.

Accessory Use - Any use customarily incidental to the main use of the premises.

Adult Day Care Facility - A facility other than a private residence, which provides care for more than six (6) adults for less than twenty-four (24) hours a day.

Adult Foster Care Facility - See subcategory definitions.

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.

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.

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.

Small Group Home - A facility licensed under PA 218 of 1979 to provide foster care for six (6) or fewer adults.

Adult Entertainment Establishment - See subcategory definitions.

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.

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.

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.

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.

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.

Airport Uses - 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.

Alcohol Manufacturing Establishments, Licensed, Small - An establishment obtaining a Michigan alcohol manufacturing license such as brewer, brewpub, wine maker, and small distiller.

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.

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.

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.

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.

Alley - A public way which affords only secondary access to abutting property, not a street as herein defined.

Alteration - Any material change, addition or modification of or to a structure or its use.

Amusement Establishments, Clubs, and Theaters - Commerical or membership establishments that provide games, entertainment, or amusement. Examples include arcades, bowling alleys, skating rinks, motion picture theaters, racquet facilities, and other indoor sport or amusement facilities. This use does not include any machines or devices regulated under state gambling laws.

Animal Services and Kennels - See subcategory definitions.

Animal Services and Enterprises - An establishment that provides services to owners of animals including veterinarians, boarding, grooming, breeding, training or selling of animals.

Commercial Kennels and Animal Boarding - Any lot or premises on which more than three (3) pets (but not including wild, vicious, or exotic animals), four (4) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, protection, hobby, pets, or transfer.

Applicant, Petitioner, or Developer - A person, as defined herein, who may hold any recorded or unrecorded ownership or leasehold interest in land. This definition shall be construed to include any agent of the person.

Art Galleries - An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

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.

Assisted Living, Nursing and Convalescent Homes - A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

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.

Automobile Storage, Damaged - Any storage of inoperable vehicles not incidental to a service garage.

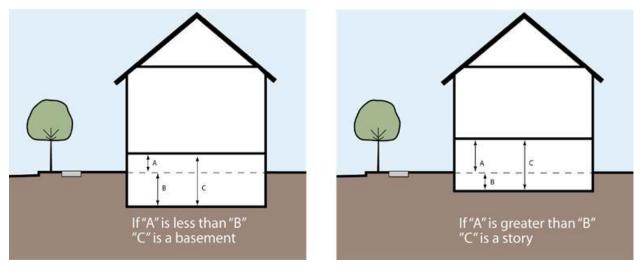
Automobile Service Station - A building designed and used for the retail sales of gasoline and other automotive products as well as light maintenance such as express oil changes, or brake and muffler replacement. They do not include premises where heavy auto maintenance activities such as engine overhauls or bodywork occur.

2.2:B Terms Starting with B

Banks and Financial Institutions - An establishment that provides retail banking services, mortgage lending, credit union services, or similar financial services to individuals and businesses. Accessory uses may include automated teller machines (ATMs) and facilities providing drivethrough service (if allowed in the District). This use does not include a business commonly referred to as a check cashing store or payday loan store.

Bars, Taverns, Lounges - An establishment having as its principal or predominant use the service of alcoholic beverages for consumption on the premises.

Basement* – The portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.



Bed & Breakfast Inn - Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation. A bed and breakfast is distinguished from a motel in that a

bed and breakfast establishment shall have only one (1) set of kitchen facilities and be architecturally consisten with surrounding homes.

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.

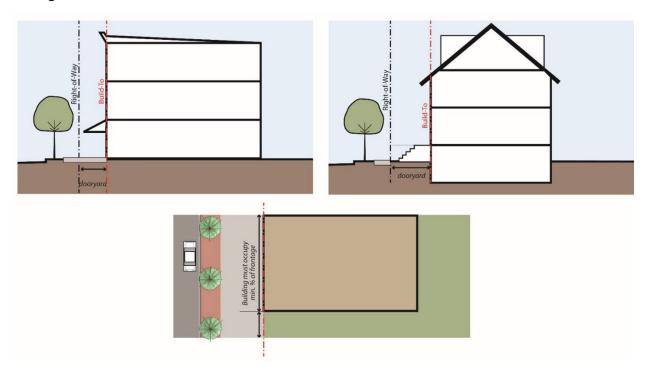
Breezeway - Any covered passageway, between two (2) buildings, the sides of which may be enclosed by lattice, screens or other material allowing the passage of air.

Building - Any structure or part thereof usable for the shelter of persons, animals or chattels.

Build-To*** - Build-to is a line parallel to the public street right-of-way up to which buildings must be constructed.

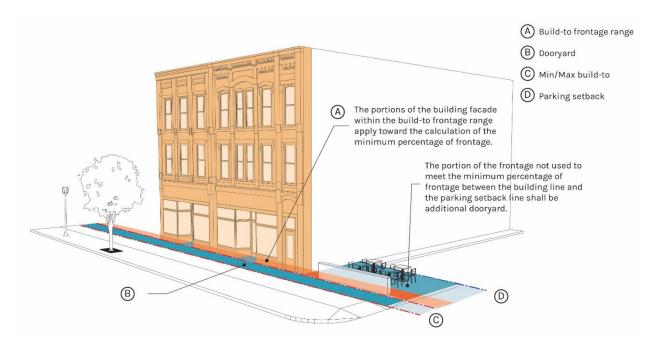
Build-To Measurement - Build-to is measured from and perpendicular to the lot line abutting a street. Where a public access easement abuts the public street right-of-way on a lot, the build-to shall be measured from the easement rather than the lot line.

Percentage of Frontage - Required build-to is calculated as a percentage using the length of the primary building wall divided by the total lot width, as measured at the lot line abutting the subject street right-of-way. Buildings shall be built at or within the build-to requirement for at least the minimum percentage (%) required along the primary and/or secondary frontage.



Building Depth - The horizontal distance at the ground floor measured perpendicular from the exterior of the street facing building wall at the bild-to line to the opposite exterior wall enclosing the permitted street level active uses.

Build-To Frontage Range - Architectural features, such as pilasters or recesses, utilized for building wall articulation that are within two feet of the primary building wall may be utilized in the length of applicable building wall meeting the build-to percentage of frontage.



2.2:C Terms Starting with C

Catering Services - Facility for preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Cemeteries - Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematories.

Check Cashing or Payday Loan Store - A check cashing or payday loan store is an establishment licensed by the Michigan Department of Insurance and Financial Services under MCL Act 244 of 2005, the Deferred Presentment Service Transactions Act, to provide payday loan services.

Child Care Facility - See subcategory definitions.

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.

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.

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.

City Commission - The elected policy making entity of the City of Big Rapids.

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

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.

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

Condominium - See subcategory definitions.

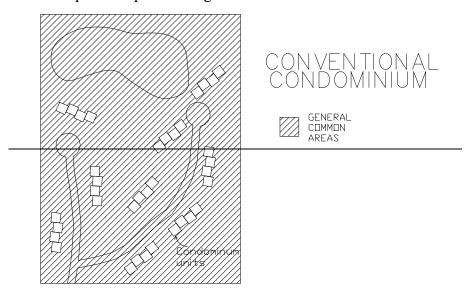
Condominium - The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure.

Condominium Subdivision Plan - A condominium subdivision plan is the drawings and information prepared pursuant to Section 66 of the Condominium Act, PA 59 of 1978.

Condominium Unit - That portion of the condominium project designed and intended for separate ownership and use.

Contractible Condominium - A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

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.



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.

Expandable Condominium - A condominium project to which additional land may be added in accordance with the Condominium Act, PA 59 of 1978.

General Common Areas - Portions of the condominium development owned and maintained by the condominium association.

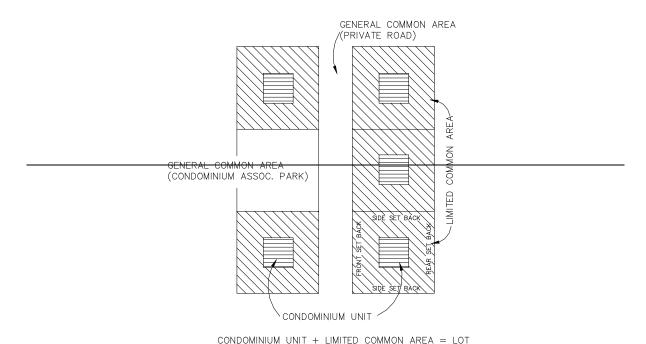
Limited Common Areas - Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

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.

Owner Occupied Condominium - Ownership and occupancy of a single dwelling unit within a multiple unit structure or structures by a single family.

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.

SITE CONDOMINIUM DEFINTIONS



Contractor Yards and Machine Shops - A site on which a building or construction contractor or machinist stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building, construction, or machining. A contractor's yard may include outdoor

storage, or a combination of both. A machine shop is an establishment where metal is cut and shaped by machine tools.

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.

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:D Terms Starting with D

Dangerous or Hazardous Materials - Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive, or otherwise injurious properties, may be detrimental or deleterious to the environment or the health of any person handling or otherwise coming into contact with such material or substance.

Dooryard* - The area between the property line and the front façade/build-to. It is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities. (1) The dooryard shall accommodate entrances, outdoor seating, projections such as awnings, balconies, stoops, and porches. (2) The portion of the frontage not used to meet the minimum percentage of frontage between the building line and the parking setback line shall be additional dooryard.

Dwelling Unit - A building, or enclosed portion thereof, designed for occupancy by one (1) family for residential purposes and having independednt living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured (mobile homes and modular homes) and site built units.

Attached Dwelling Unit - A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

Detached Dwelling Unit - A dwelling unit which is not attached to any other dwelling unit by any means.

House - A building designed for residential use, comprised of one to three detached or semi-detached dwelling units. A house with two or three dwelling units may be stacked or placed side-by-side with each unit having access directly to the street. This building type has the appearance of a small- to medium-sized home and is appropriately scaled to fit within traditionally single-family neighborhoods.

Townhouse - A type of multiple-family housing comprised of attached dwelling units placed side-by-side. Townhouses are typically narrow, 2-3 story residential buildings with each unit having access directly to the street.

Flat/Small Apartment Building - A type of multiple-family housing comprised of attached dwelling units placed side-by-side or stacked, typically with one shared entry. It is appropriately scaled to fit adjacent to single-family neighborhoods transitioning to nearby mixed-use districts. Flats can be stacked on top of storefronts, and then may be called lofts.

Cottage Court - A type of multiple-family housing comprised primarily of small detached dwelling units oriented around a small shared court that is usually perpendicular to the street. Unit entrances should be from the shared court which replaces the function of a rear

yard. Dwelling units to the rear of the lot, perpendicular to the street, may be attached. A rear building may contain shared space for a laundry room, storage room, or parking area that is access off the alley.

Apartment Complex - A type of multiple-family housing comprised of a multi-family building or group of buildings within a development managed by the same management company. The complex may include shared facilities such as a leasing office, clubhouse, and other amenities for use by residents of the complex.

Mobile Home Park - A type of multiple-family housing comprised 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 change is madr for the parcel or tract of land, together with any huilding, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Accessory Dwelling Unit - Accessory Dwelling Units (ADUs) are smaller secondary homes on the same lot as a primary dwelling. ADUs are independent, habitable, and provide basic requirements of shelter, cooking, water, and sanitary services. ADUs may be detached (garden cottage or connected to a detached garage) or attached to the primary dwelling (accessory suite/mother-in-law suite over an attached garage, basement apartment, or converted living space).

Live-Work Unit - A live/work unit is defined as a single unit consisting of both a residential and a non-residential component concurrently that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

2.2:E Terms Starting with E

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:F Terms Starting with F

Façade - The building elevation facing the frontage at the build-to line

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

Family, Functional - A group of no more than six (6) 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.

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.

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.

Fence - A structure serving as an enclosure, barrier, or boundary, usually made of posts, boards, wire or rails.

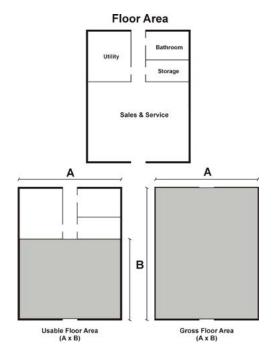
Fenestration - Fenestration is defined as openings in the building wall, including windows, doors, and open areas. (1) When measuring fenestration, framing elements (such as muntins) with a dimension of two inches or less are considered part of the opening. (2) Ground floor fenestration shall be measured as a percentage of glass per total wall area between two and eight feet above the ground floor elevation.

Floor Area – See subcategory definitions.

Floor Area, Gross or Total – The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as outdoor sales of merchandise.

Floor Area, Residential – For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement excludes areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Useable – For the purposes of computing parking requirements, the useable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities, or for sanitary facilities, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the usable floor area for all floors.



Foster Care Home - See subcategory definitions.

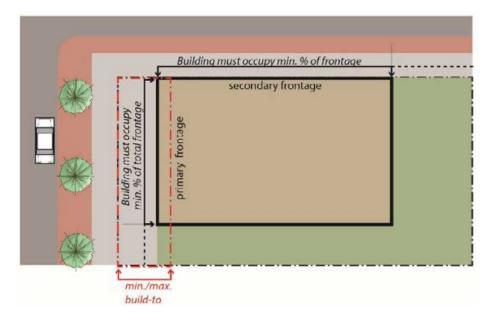
Foster Family Home - See ""Child Care Facility"" or ""Adult Foster Care Facility"".

Foster Family Group Home - See ""Child Care Facility"" or ""Adult Foster Care Facility"".

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.

Fraternal Organization House - Dwelling or dwelling units maintained exclusively for fraternal organization members, including but not limited to fraternities and sororities.

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.



Funeral Homes and Mortuaries - An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

2.2:G Terms Starting with G

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.

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.

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.

Greenbelt - A strip of land of definite width and location reserved for planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Greenhouses - A commercial use with a building in which crops, such as flowers, vegetables, shrubs, trees, etc., are grown for wholesale or retail sale.

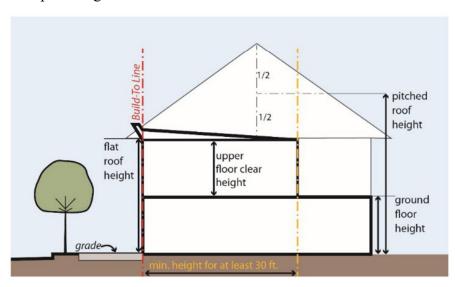
2.2:H Terms Starting with H

Height of Building* - The vertical distance measured from the adjoining curb level to the highest point of the 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.

Minimum Height - The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet for the specified build-to percentage of frontage.

Ground Floor Height - The ground floor height shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.

Sill Height - The sill height shall be measured from the average fronting sidewalk grade to the top of the ground floor sill.



Home Occupation - Any occupation customarily conducted within a dwelling by its occupants as a subordinate use.

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:I Terms Starting with I

Impervious Surface Coverage - The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area.

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.

Industrial Service Uses - An establishment engaged in the repair or servicing or agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firm that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintnance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, and storage.

Industrial Manufacturing Uses - An establishment primarily engaged in manufacturing uses that include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items.

Heavy Industrial Manufacturing Uses - An industrial manufacturing use that emits noxious odors, gases, smoke, heat, or glare creating fire or safety hazard such as slaughter houses, bulk storage operations, junki storage or sales, and other similar uses.

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:J Terms Starting with J

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:L Terms Starting with L

Laundromats and Dry Cleaning Services - A laundromat is a facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. A dry cleaning establishment is a facility where patrons drop-off clothing or other fabrics to be dry cleaned.

Libraries and Museums - A library is a public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials. A museum is a facility serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art that is arranged, designed, and intended to be viewed and studied by members of the public, with or without an admission charge. Accessory uses include offices and storage facilities used by staff, meeting rooms, and may include the limited retail sale of goods, services, or products such as prepared food to patrons.

Liquor Stores - An establishment licensed by the State of Michigan for the retail sale of beer, wine, liquor, or spirits in sealed containers for consumption off the premises where sold.

Lot - A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. For purposes of meeting the dimensional standards of this Ordinance, a lot does not include public rights-of-way or private road easements, but does include access easements for a service drive. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds, or a condominium lot. A lot will have one identification number.

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.

Developable Lot - A lot which meets minimum size, width, depth, accessibility, and serviceability requirements of this Ordinance.

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.

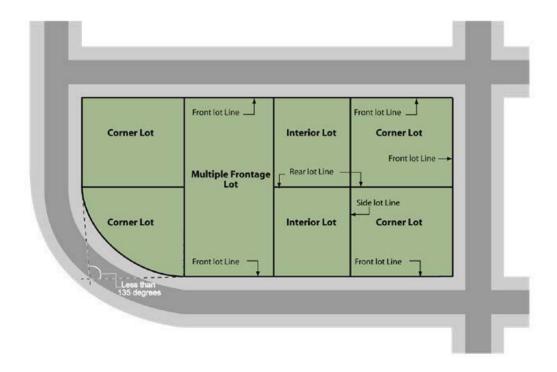
Lot Line - Any line bounding a lot.

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.

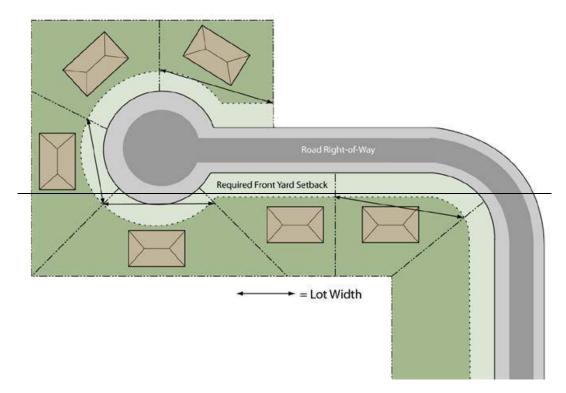
Rear Lot Line - The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten (10) feet long, parallel to and most distant from the front lot line.

Side Lot Lines - Any line other than front or rear lot lines.

Street or Alley Lot Line* - Any line separating a lot from a street or alley.



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:M Terms Starting with M

Marihuana Businesses - See subcategory definitions.

LARA - The Michigan Department of Licensing and Regulatory Affairs.

MRA - The State of Michigan Marihuana Regulatory Agency.

Licensee - A person holding a state license.

Municipal License - A license or permit issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

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.

Marihuana Plant - Any plant of the species Cannabis sativa L. Marihuana plant does not include industrial hemp.

Marihuana Establishment - A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.

Grower - A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.

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.

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.

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.

Safety Compliance Facility - A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.

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.

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.

Retail-Type Marihuana Establishments - Marihuana establishments that are licensed to sell to the public, including provisioning centers, retailers, and microbusinesses.

Industrial-Type Marihuana Establishments - Marihuana establishments that are licensed to sell to or work with other marihuana establishments, including growers, processors, and secure transporters.

Medical Clinic - A building used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Medical and Dental Offices, Physical Therapy, Etc. - A small-scale establishment providing medial, dental, or physical therapy treatment. A small-scale office shall mean a maximum net floor area of 5,000 sq ft. Overnight treatment is prohibited at these establishments.

Mezzanine – An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

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.

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.

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.

Municipality - A government constituting the City of Big Rapids.

2.2:N Terms Starting with N

Nonconforming Structure - Any structure or portion thereof lawfully existing at the time this Ordinance became effective and which now does not comply with regulations.

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.

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:O Terms Starting with O

Office, Professional, and Business Establishments - A building or a portion of a building wherein services are performed involving predominantly administrative, professional, clerical, or business operations.

Office Building - A building in which services are performed involving predominantly administrative, professional, or clerical operations.

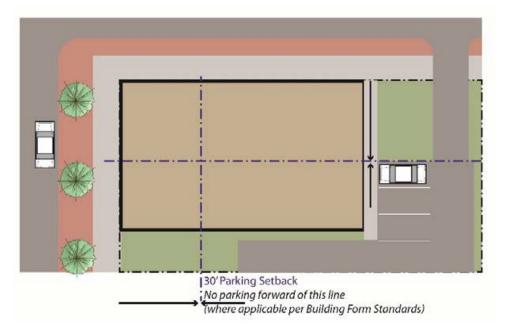
Open Space - Area which is not covered by a principal or accessory structure or off-street parking area.

2.2:P Terms Starting with P

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.

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.

Parking Setback* - Where regulated in the Frontage Standards, vehicle parking shall be located behind the parking setback line behind the build-to line and extends vertically as a plane from the first-floor level.



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.

Parks, Playgrounds, and Athletic Fields - A park, playground, or athletic field consists of land generally open and readily accessible to the public that is used for recreation, exercise, sports, rehabilitation, outdoor meeting or gathering, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty. This use does not include commercially operated amusement parks.

Pedestrian Access - See subcategory definitions.

Entrance - The entrance shall be a door parallel to a street frontage, recessed no more than 15 feet from the front building face; or a door at approximately a 45-degree angle to the intersecting streets of a corner lot. The distance between entrances shall be measured from the center of the door or set of doors.

Stoop - A stoop is a small staircase ending in a platform and leading to the entrance of the building.

Enclosed Porch - An enclosed porch is a covered stoop that has walls enclosing the platform on all sides.

Portico - A portico is a defined entry landing or platform that serves a similar architectural purpose as a porch or stoop by defining a clear entryway, but with a ramp or at-grade entrance instead of steps.

Measuring Stoops, Porches, and Porticos - The depth shall be measured perpendicular from the building façade to the opposite edge of the platform. Steps shall not be included in the measurement.

Personal and Professional Services - A business providing personal services to patrons including but not limited to: small electronics and applicance repair shops; shoe repair; dressmakers and tailors; hair styling, piercing, and tanning salons; licensed massage and tattoo parlors; travel

agencies; and decorating and upholstery shops. This use does not include any sexually oriented businesses.

Personal Vehicle Sales, Services, and Rentals - Retail establishments selling or renting personal vehicles, as well as performing maintenance on those vehicles. Examples of personal vehicles include automobiles, trucks, motorcycles, and trailers, be they new or used. This use also includes carwash facilities.

Places of Worship - A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith, such as convents, rectories, parsonages, monasteries, gymnasiums, and church halls.

Planned Shopping Centers - Planned shopping centers, also known as shopping malls or plazas, have a collection of various retail stores, restaurants, and services, where the property is designed as one unit, has shared parking, and is centrall owned and managed.

Planned Unit Development - A form of land development comprehensively planned as a single development which permits flexibility in building, siting, useable open spaces, and the preservation of significant natural features. A PUD may contain a mix of housing types and non-residential uses.

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.

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.

Public Art - Works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

Public Buildings - Buildings that are accessible to the public and are funded from public sources. Examples include municipal facilities; county, state, and federal administrative buildings; community centers; public safety facilities; and water towers; among others.

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.

Public Transportation Stations or Terminals - A structure incorporating ticket offices, waiting areas, and spaces for public transportation vehicles such as trains, busses, or taxis to routinely pick up and drop off passengers.

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:R Terms Starting with R

Radio and Television Stations - A facility of the recording and broadcasting of radio and television, which require masts, towers, aerials, or other transmitters on site.

Railroad Uses - Any area of land designed and set aside for the tracks or vehicles of a railroad, including all necessary facilities for the housing and maintenance of railcars.

Recreational Equipment, Major - 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.

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).

Restaurants - Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or tavern/bar/lounge, or combination thereof as defined below:

Carry-Out Restaurant - A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

Drive-In Restaurant - A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.

Drive-Through Restaurant - A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

Fast Food Restaurant - A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consumer food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle on site.

Standard Restaurant - A business establishment whose method of operation involves either the delivery of perpared food by servers to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Tavern/Bar/Lounge - A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a tavern/bar/lounge is part of a larger facility, it shall be defined as that part of the structure so designated and operated.

Retail Sales and Services - An establishment engaged in selling goods, merchandise, or services to the general public. This use includes appliance stores, bookstores, clothing stores, drug stores, grocery stores, home improvement stores, and other similar establishments.

Research and Development Laboratories - Scientific, engineering, and medical 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.

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.

Roomer - A person who occupies living accommodations, for a term of not less than one week, within a rooming house.

2.2:S Terms Starting with S

Schools - See subcategory definitions.

PreK-12 Schools - Any facility or building used for public primary or secondary instruction or a parochial or private school having a curriculum including the same courses ordinarily given in a public primary or secondary school.

Trade Schools - Any facility of building used for secondary or post-secondary instruction designed to train students for a specific job in a skilled trade career. Also known as technical schools.

Colleges and Universities, and Related Uses - Any facility or building used for instruction in a higher-education institution, and related college-owned uses such as administrative buildings, food establishments, housing for students, laboratories, and other similar college uses.

Screening - The protection and separation of adjoining uses. Screening requirements are included in the Landscape Standards and General Provisions Articles of this Ordinance.

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.

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.

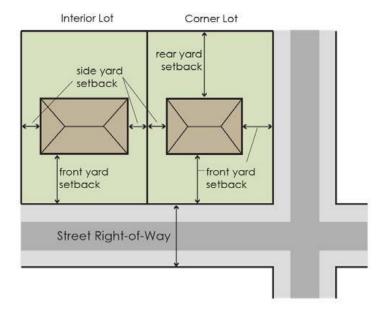
Setback Line - A line formed by the face of the building.

Setback Line, Required A required setback line is established by the minimum setback requirement of this Ordinance.

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.

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.

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.



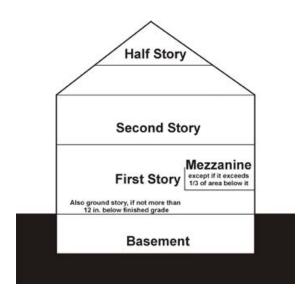
Signs - For the purpose of this Ordinance, the term "sign" shall mean and include every sign, billboard, ground sign, roof sign, sign painted or printed on the exterior surface of a building or structure, illuminated sign and temporary sign, and shall include any announcement, declaration, display, illustration 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.

Site Plan - The development plan for one (1) or more lots, on which is shown the existing and proposed conditions of the lot under the terms of Article 9 of this Ordinance.

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.

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.

Article 2 Definitions



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.

Structure - Anything constructed or erected, the use of which required location on the ground or attached to something having location on the ground.

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.

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.

Swimming Pool, Private - Any artificially constructed basin or other structure for the holding of water for use by the possessor, their 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:T Terms Starting with T

Trailer - Any vehicle designed to be drawn by a motor vehicle.

2.2:U Terms Starting with U

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:V Terms Starting with V

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.

Article 2 Definitions

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.

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:W Terms Starting with W

Warehouse - A building used primarily for storage of goods and materials.

2.2:Y Terms Starting with Y

Yard - See subcategory definitions.

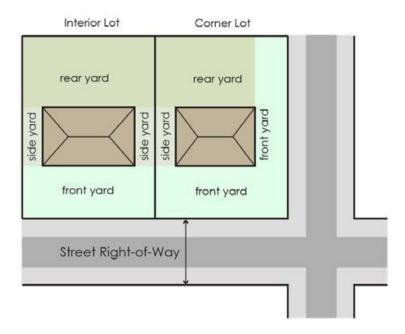
Front Yard - The open space extending the full width of the lot between the main building and front lot line except as provided in Article 4.1:14.

Rear Yard - The open space extending the full width of the lot between the main building and rear lot line.

Side Yard - The open space extending from the front yard to the rear yard between the main building and the side lot line.

Side Street Yard* - The open space extending from the front yard to the rear yard between the main building and a side street.

Least Depth or Width Yard - The shortest horizontal distance from each of the lot lines to the building thereon.



Article 2 Definitions

2.2:Z Terms Starting with Z

Zoning Board of Appeals - 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.

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.

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
	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

3-1

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.
- 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 - SECTION 3.13

SECTION 3.3 USE TABLE

In the Residential Districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right and uses denoted by a "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable standards in Article 10: Special Land Uses. Additional applicable use standards are listed in the column at right.

		Residential				Mixed-	Use/Com	mercial		Industrial		
Use Table	Single Family	Single and Two-Family	Single & MF Units and Office	Mobile Home Park District	Residential Professional	Restricted Residence District	Commercial District	Commercial District	Commercial District	Industrial District	Key: P=Permitted, SLU=Special Land Use	
Use	R-1	R-2	R-3	R-4	R-P	RR	C-1	C-2	C-3	I	Use Standards	
Residential	_	_	_		_	_					- 1 - 1 1 1 1 -	
Houses	P	P	P		P	P					R-1: Section 11.1:17	
Townhouses		P	P			P		P				
Flats/Small Apartments			P			P		P				
Apartment Complexes			P								Section 11.1:13	
Cottage Courts		P	P									
Live-Work Units		P	P		P	P		P				
Accessory Dwelling Units (ADUs)	P	P	P		P	P						
Mobile Home Parks				P								
Care Facilities												
Adult Day Care Facility	SLU	SLU	SLU									
Adult Foster Care, Family Home (6 or fewer adults)	P	P	P		P	P						
Adult Foster Care, small group home (12 or fewer adults)	SLU	SLU	SLU			SLU						
Adult Foster Care, large group home (13 to 20 adults)			SLU			SLU						
Adult Foster Care, congregate facility			SLU			SLU						
Foster family home (4 or fewer children 24 hrs/day)	P	P	P			P						
Foster family group home (5 or 6 children 24 hrs/day)	P	P	P			P						
Family Child Care Home (6 or fewer children less than 24 hrs)	P	P	P		P	P						
Group Child Care Home (7-12 children less than 24 hrs)	SLU	P	P		P	P					Section 11.1:8	
Child care center		P	P		P	P		P	P		Section 11.1:28	
Assisted Living, Nursing and Convalescent Homes			P		SLU	SLU		SLU	P			
Lodging												
Bed & Breakfast Inns					P	P					Section 11.1:4	
Hotels and Motels							SLU	P	P		Section 11.1:20	
Fraternal Organizations and Rooming Houses		SLU	SLU								Section 11.1:25	
Medical Uses												
Hospital Uses	SLU	SLU	P		SLU	SLU	P		P		Section 11.1:11	
Medical and Dental Offices, Physical Therapy, Etc.		SLU	P		P	P		P	P			
Commercial and Retail Uses												
Retail Sales and Services							P	P	P			
Art Galleries						P	P	P	P			
Funeral Homes and Mortuaries						P		P	P			
Greenhouses									P			
Laundromats and Dry Cleaning Services								P	P			
Liquor Stores							P		P			
Marihuana Establishments, Retail-Type							P	P	P		Section1 1.1:29	

		Residential				Mixed-	Use/Com	mercial		Industrial		
Use Table	Single Family	Single and Two-Family	Single & MF Units and Office	Mobile Home Park District	Residential Professional	Restricted Residence District	Commercial District	Commercial District	Commercial District	Industrial District	Key: P=Permitted, SLU=Special Land Use	
Use	R-1	R-2	R-3	R-4	R-P	RR	C-1	C-2	C-3	I	Use Standards	
Planned Shopping Centers							SLU				Section 11.1:20	
Food Service Uses												
Bars, Taverns, Lounges, Micro-breweries, Brew-pubs								P	P			
Catering Services									P			
Restaurants						SLU	P	P	P			
Drive-thru and Drive-in Restaurants							P		P			
Professional and Service Uses												
Office, Professional and Business Establishments			P		P	P	P	P	P		Section 11.1:16	
Home Occupations	SLU	SLU	SLU		SLU	SLU					Section 11.1:10	
Arts and Crafts Studios						P		P	P	P		
Banks and Financial Institutions						P		P	P		Section 11.1:31	
Check Cashing or Payday Loan Store							P		P			
Entertainment Uses												
Amusement Establishments, Clubs, and Theaters								P	P			
Indoor Recreation Establishments							P	P	P	P		
Adult Entertainment Establishments									SLU		Section 11.1:1	
Animal/Agriculture												
Animal Services and Enterprises							P		P			
Commercial Kennels and Animal Boarding									SLU			
Marihuana Uses												
Retail-type Marihuana Establishments							P	P	P		Section 11.1:29	
Industrial-type Marihuana Establishments										SLU	Section 11.1:29	
Transportation Uses												
Gasoline Service Stations									P			
Personal Vehicle Sales, Service, and Rentals									P			
Public Transportation Stations or Terminals								P	P			
Railroad Uses										P		
Airport Uses										P		
Industrial, Construction, & Storage Uses											Section 11.1:27	
Industrial Service Uses										P		
Industrial Manufacturing Uses										P		
Licensed, Small Alcohol Manufacturing Establishments								P	P	P		
Research and Development Laboratories										P		
Heavy Industrial Uses										SLU	Section 11.1:9	
Construction Equipment Sales, Service, and Rental										P	Section 11.1:30	
Contractor Yards and Machine Shops										P		

		Residential			Mixed-Use/Commercial			Industrial			
Use Table	Single Family	Single and Two-Family	Single & MF Units and Office	Mobile Home Park District	Residential Professional	Restricted Residence District	Commercial District	Commercial District	Commercial District	Industrial District	Key: P=Permitted, SLU=Special Land Use
Use	R-1	R-2	R-3	R-4	R-P	RR	C-1	C-2	C-3	I	Use Standards
Marihuana Establishments, Industrial-Type										SLU	Section 11.1:29
Self-Service Storage Facility							SLU		SLU		Section 11.1:26
Warehouses										P	
Institutional and Civic Uses											
PreK-12 Schools	P	P	P		P	P					Section 11.1:5
Trade schools								P	P		
Colleges and Universities, and Related Uses			P								
Libraries and Museums	P	P	P		P	P					Section 11.1:5
Parks, Playgrounds, and Athletic Fields	P	P	P		P	P					Section 11.1:21
Public Buildings	SLU	SLU	P		SLU	P		P	P		Section 11.1:14
Places of Assembly and/or Worship	P	P	P		P	P		P	P		Section 11.1:5
Cemeteries			P								Section 11.1:15
Public Utilities	P	P	P		P	P				P	Section 11.1:22
Communications Uses											
Radio and Television Stations			SLU			SLU	SLU	SLU	SLU		Section 11.1:23
Communication Antennae Affixed to Existing Structures							SLU	SLU	SLU	SLU	Section 11.1:6
Communication Towers										SLU	Section 11:1:7

SECTION 3.4 R-P RESIDENTIAL-PROFESSIONAL DISTRICT

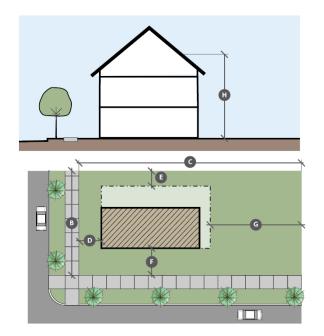
3.4:1 Purpose

The R-P District is established to provide areas of low-density residential development with office buildings for occupancy by professional offices. Desired residential development includes detached houses comprised of one unit and a maximum of one Accessory Dwelling Unit. 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.

3:4:2 Siting and Building Requirements

Lot Size	
Area (min).	7,500 sq. ft.
Width (min)	50 ft.
Width (max.)	120 ft.
Depth (min.)	100 ft.
Impervious coverage (max.)	40%

Setbacks		
Front yard (min.)		15 ft.
Front yard (max.)		
, ,	8 ft.	16 ft.
Side yard (min.)	each	sum
Side street yard (min.)		15 ft.
Rear yard (min.)		25 ft.
Building		
Height (max.)	3 stories	40 ft.
Width (max.)		75 ft.



3.4:3 Dwelling Unit Occupancy

The following combinations of occupants are permitted in R-P:

- (1) Family
- (2) 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.

SECTION 3.5 R-1 RESIDENTIAL DISTRICT

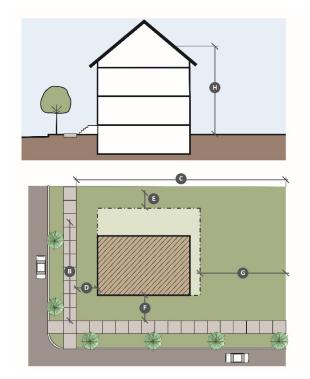
3.5:1 Purpose

The R-1 District is established to provide areas of low-density residential development. Desired development includes single family dwellings detached houses comprised of one to three units and a maximum of one Accessory Dwelling Unit. 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.

3:5:2 Siting and Building Requirements

Lot Size	
A. Area (min).	7,500 sq. ft.
B. Width (min)	75 ft.
C. Depth (min.)	100 ft.
Impervious coverage (max.)	25%

Setbacks		
D. Front yard (min.)		20 ft.
Front yard (max.)		75 ft.
E. Side yard (min.)	10 ft.	25 ft.
•	each	sum
F. Side street yard (min.)		20 ft.
G. Rear yard (min.)		35 ft.
Building		
H. Height (max.)	2.5 stories	35 ft.



3.5:3 Dwelling Unit Occupancy

The following combinations of occupants are permitted in R-1:

- (1) Family
- (2) Supplemental Occupant: One (1) supplemental occupant shall be permitted per dwelling permitted in the R-1 Zoning District subject to the conditions of Section 11.1:17.

SECTION 3.6 R-2 RESIDENTIAL DISTRICT

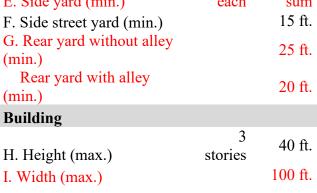
3:6:1 Purpose

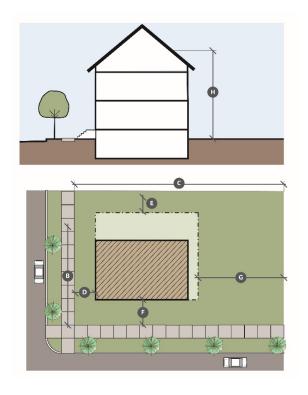
The R-2 District is established to provide areas of higher density of residential development than is permitted in the R-1 District and a mixture of housing types including houses, townhouses, and cottage courts. Regulations include uses permitted in the R-1 District, plus two-family residential buildings. It is not intended to permit commercial, industrial, or similar uses except as authorized by this Ordinance.

3:6:2 Siting and Building Requirements

Lot Size	
A. Area (min).	3,500 sq. ft.
B. Width (min)	35 ft.
Width (max.)	120 ft
C. Depth (min.)	100 ft.
Impervious coverage (max.)	60%

Setbacks		
D. Front yard (min.)		15 ft.
Front yard (max.)		40 ft.
	5 ft.	15 ft.
E. Side yard (min.)	each	sum
F. Side street yard (min.)		15 ft.
G. Rear yard without alley (min.)		25 ft.
Rear yard with alley (min.)		20 ft.
Building		





3.6:3 Dwelling Unit Occupancy

The following combinations of occupants are permitted in R-2:

- (1) Family
- (2) Owner's family plus up to two (2) unrelated persons depending on space and offstreet parking availability.
- (3) Up to four (4) unrelated persons for each dwelling unit.

SECTION 3.7 R-3 RESIDENTIAL DISTRICT

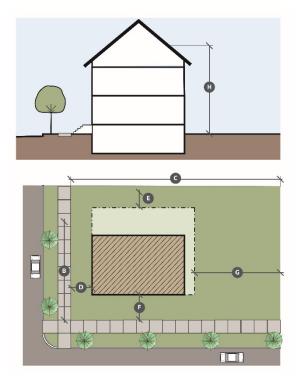
3.7:1 Purpose

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. It is not intended to permit commercial, industrial, or similar uses, except as authorized by this Ordinance. Accommodate a flexible variety of housing types, integrate context-sensitive office and university uses, and serve as a transition from mixed-use districts to surrounding residential neighborhoods.

3.7:2 Siting and Building Requirements

7,500 sq. ft.
50 ft.
100 ft.
40%

Setbacks		
D. Front yard (min.)		15 ft.
Front yard (max.)		40 ft.
	8 ft.	20 ft.
E. Side yard (min.)	each	sum
F. Side street yard (min.)		20 ft.
G. Rear yard without alley		
(min.)		25 ft.
Rear yard with alley		
(min.)		20 ft.
Building		
	3	
H. Height (max.)	stories	40 ft.
I. Width (max.)		150 ft.



3.7:3 Dwelling Unit Occupancy

The following combinations of occupants are permitted in R-3:

- (1) Houses, townhouses, flats/small apartments:
- 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) Apartment Complexes: Two or more multiple family dwellings on a single lot are regulated as a Special Land Use in this District.

SECTION 3.8 R-4 MOBILE HOME PARK DISTRICT

3.8.1 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.

3.8:2 Siting and Building Requirements

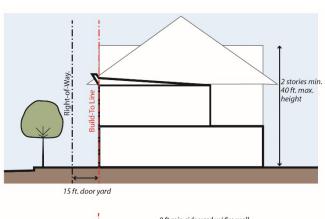
- (1) The minimum parcel size for a mobile home park shall be 15 acres.
- (2) Siting and building restrictions shall be in accordance with the standards adopted by the Michigan Manufactured Housing Commission.

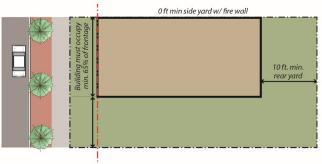
SECTION 3.9 R-R - RESTRICTED RESIDENCE DISTRICT

3.9:1 Purpose. The intent of the Restricted Residence district is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed residential, office, and service uses; and serve as a transition from the denser downtown to nearby established residential neighborhoods.



Illustrative example of the intent of this





3.9:2. Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Ground Floor Elevation - Residential Units (min.)		3 ft.

Siting	
Build-To/Dooryard	15 ft.
Frontage Build-To (min.)	65%
Side Setbacks (min.)	0 ft.
Rear Setback (min.)	10 ft.
Adjacent single-family residential setback (side and rear) Surface parking is not permitted directly between a b and a street frontage.	25 ft. uilding façade

SECTION 3.10 C-1 REGIONAL COMMERCIAL DISTRICT

3.10:1 Purpose. The intent of the Regional Commercial District is to provide for commercial uses that serve the needs of local residents, regional residents, and the highway traveler. This district is limited to a particular geographic area of the City due to proximity to the freeway. 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.



Illustrative example of the intent of this

3.10:2 Siting and Building Requirements

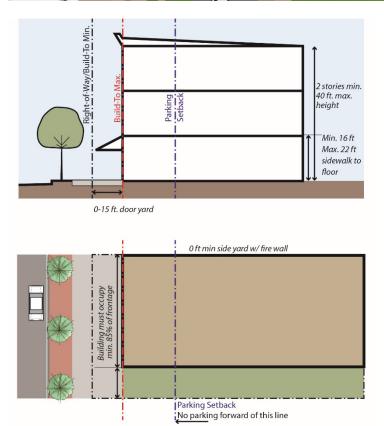
Height	
Minimum .	
Maximum	40 ft.
Second Floor Finished Elevation	
Upper Stories Clear Height (min.)	
Siting	
Front Setback (min.)	25 ft
Side Setbacks (min.)	0 ft.
Rear Setback (min.)	30 ft.
Parking Setback (min.)	10 ft.

SECTION 3.11 C-2 - MIXED-USE DISTRICT

3.11:1 Purpose. The intent of the Mixed-Use District is to create a pedestrian-friendly, compact district with a mixture of uses. Typically, the mixture of uses are ground floor storefronts for retail and entertainment uses with offices and residential on upper stories. Attached residential units such as townhouses are especially applicable fronting Warren and State Street to serve as a transition to adjacent residential districts.



Illustrative example of the intent of this



3.11:2 Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Second Floor Finished Elevation		16 ft. to 22 ft.
Upper Stories Clear Height (min.)		9 ft.
Siting		
Build-To/Dooryard		0-15 ft.
Frontage Build-To (min.)		85%
Side Setbacks (min.)		0 ft.
Rear Setback (min.)		0 ft.
Parking Setback (min.)		15 ft.
Surface parking is not permitted directly between a building façade and a street frontage.		

3.11:3. Storefront Frontage

This additional designation in the Mixed-Use district requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active downtown interface with the public realm. Storefront buildings shall also meet the design specifications for the Mixed-Use district, except as provided herein:

- 1. Build-to/dooryard shall be 0'
- 2. Maximum height of 60' or 5 stories.
- 3. Fenestration
 - (a) Ground floor fenestration shall comprise between 70% and 90% of the ground story façade.
 - (b) Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
 - (c) The bottom of the window must be no more than 3 feet above the adjacent exterior grade.

4. Horizontal Articulation

- (a) Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller vertical components or bays. Bays shall extend continuously from base to top. Components shall be distinguished from one another through a combination of the following:
 - Variations in overall massing. Changes in parapet projection height shall only occur with a corresponding change in plan
 - (2) Vertical bays defined by pronounced changes in plan to create recesses and projections, a minimum of three feet (3'-0") from build to line of the facade;
 - (3) Distinct changes in exterior finish material corresponding to a change in the building plan- a minimum of three feet (3'-0") from build to line of the façade- or a distinct organizing

- architectural feature with a projection a minimum of 8".
- (b) There shall be a minimum of one functional entrance every full 25 feet of frontage along Michigan Avenue.

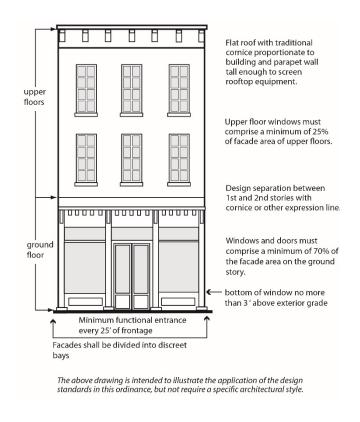
5. Ground floor Articulation

(a) Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

6. Uses

Only Active Ground Floor Uses are permitted:

- (a) Retail sales and services
- (b) Restaurant/Bar/Lounge
- (c) Residential and Lodging Uses: Support functions such as lobbies, rental offices, and club rooms may be located on the ground floor.
- (d) Offices



3.11:3 Storefront Frontage

7. Regulating Plan The Storefront District Regulations apply as noted in the Regulating Plan Map below.



SECTION 3.12 C-3 LOCAL COMMERCIAL DISTRICT

3.12:1 Purpose. The intent of the Local Commercial District is to provide for commercial uses that serve the needs of local residents or that require large exterior spaces for storage, display or sale of merchandise or that depend upon continual movement of vehicular traffic. It is not intended to permit residential or industrial development except as authorized by this Ordinance.

[Insert photo of district intent.]

3.12:2 Siting and Building Requirements

3.12.2 Oiting and building Requirement	3
Height	
Minimum .	
Maximum	40 ft.
Second Floor Finished Elevation	
Upper Stories Clear Height (min.)	
Siting	
Front Setback (min.)	10 ft
Side Setbacks (min.)	0 ft.
Rear Setback (min.)	ft.
Parking Setback (min.)	ft.

SECTION 3.13 I – INDUSTRIAL DISTRICT

3.13:1 Purpose. The intent of the Industrial District is to create a zone where designated trades and light industries may locate, which produces a minimum amount of adverse effect upon other districts and which provides for a 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.



Illustrative example of the intent of this

3.13:2 Siting and Building Requirements

Height	
Minimum	
Maximum	75 ft.
Second Floor Finished Elevation	
Upper Stories Clear Height (min.)	
Siting	
Front Setback (min.)	10 ft
Side Setbacks (min.)	10 ft.
Rear Setback (min.)	10 ft.
Parking Setback (min.)	ft.

ARTICLE 4

GENERAL PROVISIONS AND DESIGN STANDARDS

- **4.1 Purpose**: The General Provisions section 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.

Rear Dwellings Prohibited:

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

4...:4 Minimum Square Footage Per Dwelling Unit.

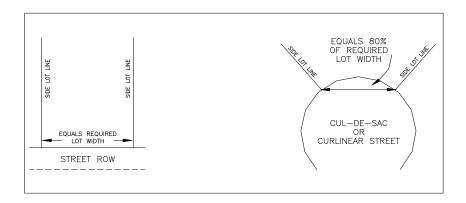
All dwelling units developed under the provisions of this Ordinance shall be constructed to meet the following standards for square footage per dwelling unit, based upon the usage of the dwelling unit by the number of bedrooms.

No. of Bedrooms	Required Sq. ft.
0	550 350
1	650 450
2	750 550
3	850 650
4	950 750

Each dwelling unit constructed with more than four (4) bedrooms shall have a minimum of one hundred seventy (170) fifty (150) 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 seven hundred fifty (950 750) sq. ft.. (Section 3.13(9) was replaced by Ord. #552-07-05 on July 18, 2005.)

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.



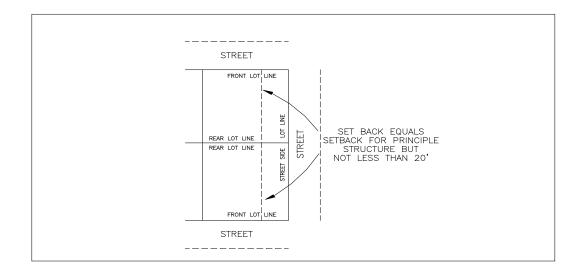
4.1:6 Accessory Structures in Non-Residential Districts

(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 Non-Residential Accessory Structures in Residential Districts

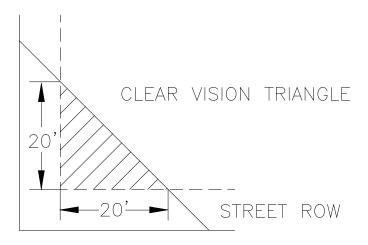
- (1) Accessory buildings shall be erected only in the rear yard area.
- (2) Accessory buildings shall not exceed sixteen (16) feet in height or eighty (80) percent of the height of the principle structure, whichever is greater; and shall be located at least six (6) feet from any other separate structure 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:

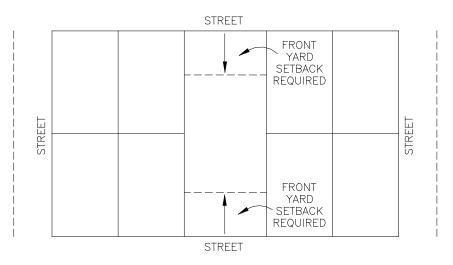
No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum required by this Ordinance, nor shall any yard required for a principal building be included as a part of a yard required under this Ordinance for any other building.

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:

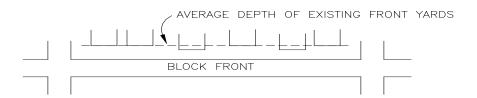
A single-family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Ordinance, provided all other requirements of this Ordinance are complied with.

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 required front yard.
 - In districts where there is a minimum setback or build-to of at least 15 feet, stoops may project into the front yard a maximum of 5 feet.

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:

15 Structures or Projections Permitted:

- (1) 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. Bays, including their cornices and eaves, balconies, and fireplaces, shall not project more than three (3) feet into a required rear yard.
- (2) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest abovegrade floor level and shall not be less than five (5) feet from any side lot line or accessory building or less than ten (10) feet from any rear lot line.
- (3) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, cornices, lintels, eaves, gutters and other similar features, may project into a required side yard or rear yard.

4.1:16 Rear Yards:

- 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.

4.1:17 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 Vehice Only	ular Use Areas	General parking Areas	and Pedestrian
	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, undercarriage 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.

41:26 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% x 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 multifamily developments as regulated by this Ordinance.

42. DESIGN STANDARDS (NEW SECTION IN 4: GENERAL PROVISIONS)

4.2:1 INTRODUCTION. This section sets forth the architectural standards applicable to the various zoning districts in the City of Big Rapids. These standards supplement those stated for each Zoning District. These standards are intended to result in construction and development that reinforces the urban form and character of development as well as use and intensity of use established in the City of Big Rapids Master Plan.

4.2:2 APPLICABILITY

- (1) **New Construction.** This Section shall apply to all new construction and shall consist of those materials and design standards as set forth in this Section. Architecture shall be reviewed by the zoning administrator as a part of the site plan or building permit review under the requirements of this article.
- (2) **Existing Buildings**. The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:
 - (a) Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the City may modify the material requirements of this Section to ensure consistency with the architecture of the remainder building.
 - (b) Where an addition is proposed to an existing building the Zoning Administrator may allow the use of existing or compatible wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design, and in accordance with the building design standards in this section.

4.2:3 MODIFICATIONS

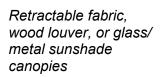
The planning commission may grant modifications to the requirements of this section if it finds that a proposed building design is in keeping with the intent of this section and the recommendations of the master plan and meets all of the following conditions:

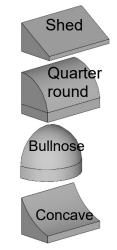
- (1) It is determined to not be grossly dissimilar in exterior design and appearance to nearby buildings and it does not adversely affect property values in the surrounding area.
- (2) It does not adversely affect the desirability of immediate and neighboring areas.
- (3) It does not impair the stability of the area or prevent the most appropriate use and development of real estate.
- (4) It does not adversely affect the public health, safety, comfort, and welfare of the citizens of the city
- (5) A structure may be determined to be compatible in design and appearance to other structures in the context in which it is to be located, even if it does not comply with the above criteria, if it has other design features that make it harmonious with other structures or improve the character of the area in which it is located.

4.2:4 GENERAL ARCHITECTURAL STANDARDS

- (1) Awnings and overhangs
 - (a) Awning and canopies may project over the sidewalk, provided the awning or canopy is at least eight (8) feet above the sidewalk and does not project closer than two (2) feet from the back of the street curb.
 - (b) Awnings shall be of traditional, shed design and shall be made from fabric or metal materials and not from plastic, vinyl, or fiberglass.
 - (c) Architectural horizontal canopies or sunshades are permitted and shall be made from metal or wood materials.
 - (d) No internal illumination is permitted through the awning or overhang.
 - (e) Quarter round, bullnose, concave configurations are permitted only on residential buildings.







Shed is the preferred awning profile. The other awning types are permitted on residential only.

- (2) Balconies and Fire Escapes
 - (a) Balconies and fire escapes shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way.
 - (b) Balconies may be a single level or multiple balconies stacked vertically for multiple stories.
 - (c) The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.
 - (d) The balcony or fire escape design and material shall be compatible with the overall architectural style and color palette of the building.
 - (e) Balconies, railings and porch structures shall be metal, wood, glass, cast concrete or stone.
 - (f) Exterior stairs leading to upper story dwellings (fire escapes) may not be located in the front yard.
 - (g) Balconies, porches, and fire escapes shall not contain permanent outdoor storage. Seasonal furniture intended for outdoor use and short-term storage of

- bicycles or similar are permitted when screened with railings integrated into the design of the building.
- (h) Fire escapes shall be designed in accordance with the applicable building codes and review by the Fire Marshal.

(3) Fenestration

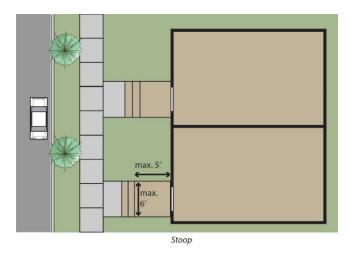
- (a) Reflective, mirrored, or heavily tinted glass shall not be permitted.
- (b) In non-residential buildings, ground floor windows may not be obstructed by display cases, furniture, or stock (excepting operable sunscreen devices).
- (c) For multiple tenant buildings, the minimum ground floor transparency requirement must be met by each suite or tenant.

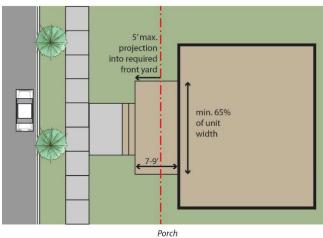
(4) Materials and Color

- (a) Durable building materials which provide an attractive, quality appearance shall be utilized.
- (b) For existing buildings, material replacement shall closely match or complement the character of the existing or original materials used on the structure.
- (d) Primary exterior building materials shall be of subtle, neutral, or earth tone colors.
- (e) The use of high intensity colors such as neon or fluorescent for the window and door trim, facade and roof of the building are prohibited except as approved by the Zoning Administrator.
- (f) Mechanical and service features such as gutters, ductwork, and service doors that cannot be screened must be of a color that blends in with the color of the building exterior.
- (g) The following exterior finish materials shall be required for walls visible from streets or an adjacent residential district:
- 1. Primary Materials must be used to compose a minimum of 75% of wall area of the building base and 50% of wall area for the upper floors.
- 2. Secondary Materials are allowed to compose a maximum of 25% of wall area in the building base and 50% of wall area for the upper floors.
- The exterior finish materials shall consist of no more than four (4) unique materials, excluding architectural detail, accent, or trim; and balconies and railings. A change in color, pattern, or profile shall constitute a unique material.

4.2:5 RESIDENTIAL BUILDING DESIGN STANDARDS

- (1) **General Residential Standards.** The general standards in this section apply to all residential buildings.
- (a) Fenestration. The primary facade shall have no less than 25% of the total facade comprised of windows and doorways. First story windows shall be taller than second story windows.
- (b) Facade Articulation. Blank walls over 30' in length are not permitted.
- (c) Front Porch or Stoop
 - (i) Front porches and stoops shall not extend into the public right-of-way.
 - (ii) Front porches may be covered by a roof or an open stoop.
 - (iii) Finished floor height of the porch deck shall be no more than 7 inches below the first interior finished floor level of the building.
 - (iv) Each residential unit with a separate entrance shall include a stoop of not more than 5' deep and 6' wide (not including steps or ramp) or a porch between 7' and 9' deep
 - (v) Porches or stoops may project a maximum of 5' into the front setback when the front setback or build-to is a minimum of 15'





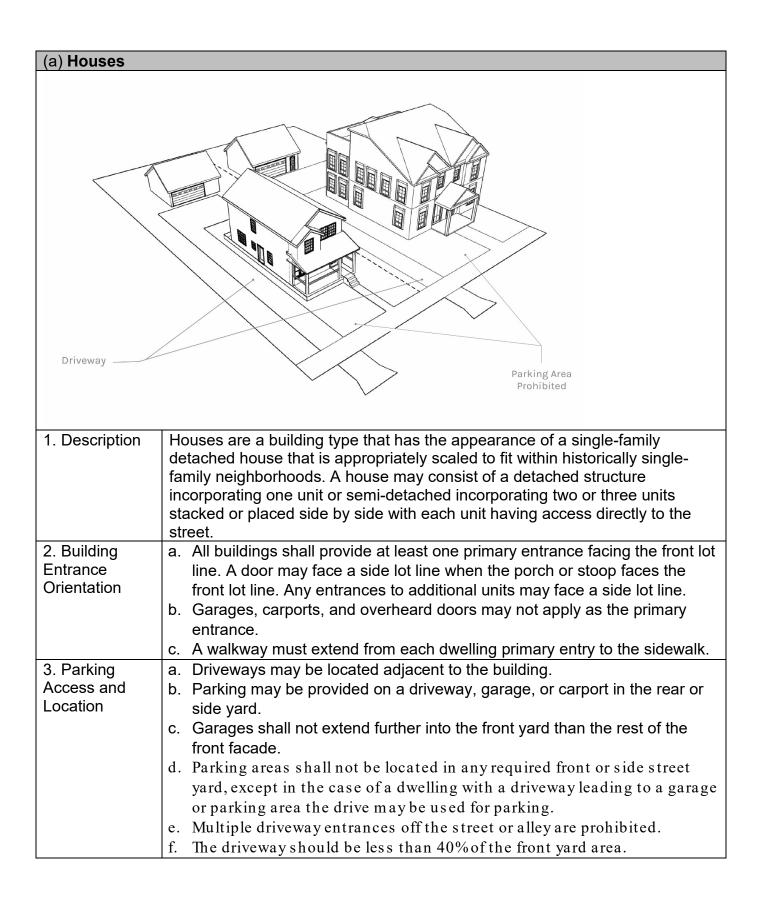
(d) Allowed Building Materials.

- (i) Primary Facade
 - 1. Brick (natural, glazed)
 - 2. Stone (natural, synthetic)
 - 3. Fiber Cement Board Siding (eg Hardie Panel)
 - 4. Wood Siding (natural, composite)
 - 5. Vinyl Siding
- (ii) Secondary Facade and up to 50% of Primary Facade
 - 1. Stucco (traditional cementitious, EIFS)
 - 2. Architectural Metal Panel (insulated, composite)
 - 3. Decorative cast concrete screens
- (e) **Utility Services.** Services and utility hookups shall not be visible from the primary street frontage.
- (f) Garage/Parking

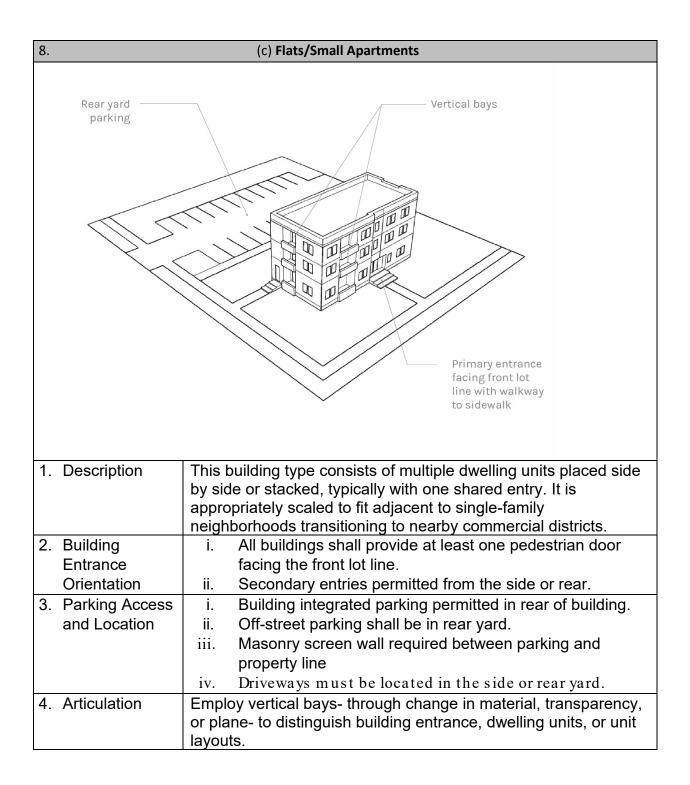
- (i) Garages or carports may only occupy a maximum of 40% of the front facade.
- (ii) Temporary carports are not permitted. See also Sec. 4.1:7 Accessory Structures
- (iii) Driveways and parking areas shall be setback at least three (3) feet from the side or rear lot lines.
- (iv) Off-street parking 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.
- **(2) Mobile and Manufactured Homes**. Mobile and manufactured homes in the City of Big Rapids not located in a mobile home park shall comply with the following standards:
 - (a) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
 - (b) 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.
 - (c) 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.
 - (d) It does not have exposed wheels, towing mechanism, under-carriage or chassis.
 - (e) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
 - (f) 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.
 - (g) 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

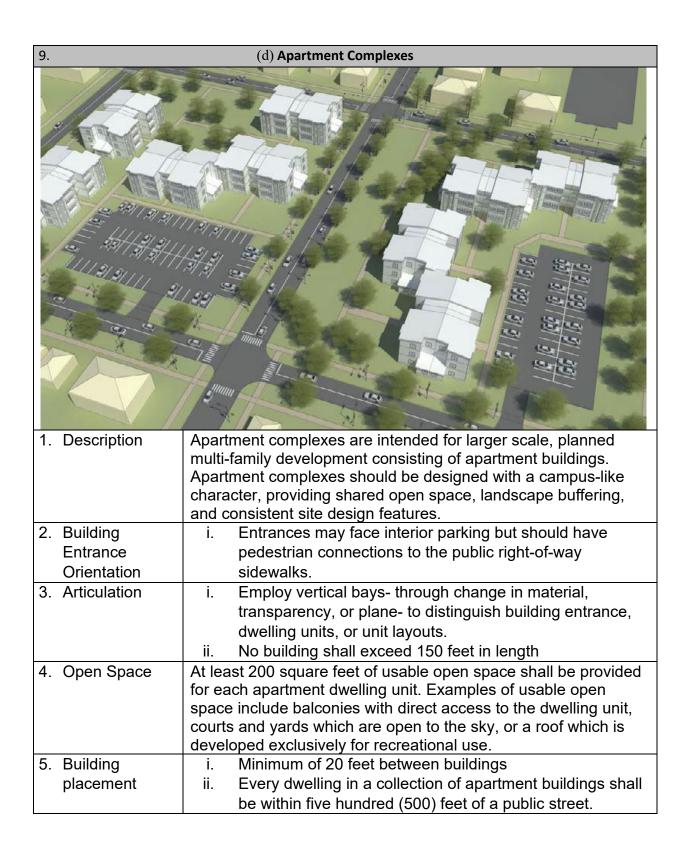
and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning 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.

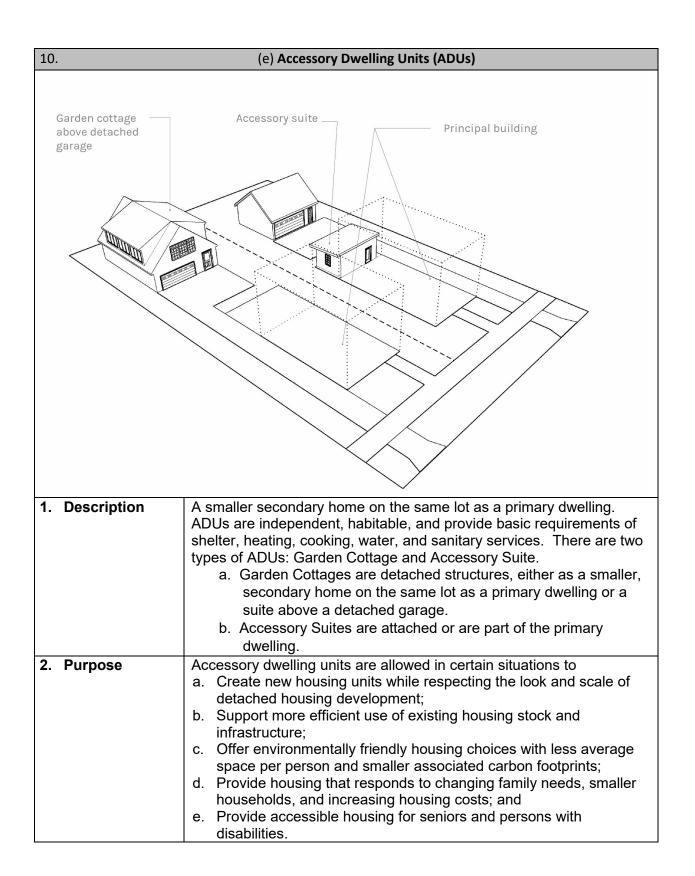
- (h) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- (i) 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.
- (j) 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.
- **(3) Building Type Standards.** In addition to the General Standards in Section 4.2:5(1), the following building standards apply to specific residential building types according to permitted uses as defined in Article 3 District Regulations.



7. (b) Townhouses									
Parking in the rear Driveway One entrance per unit									
1. Description	The Townhouse building type consists of structures that contain three or more dwelling units placed side by side. Townhouses are typically narrow, 2-3 story residential buildings with each unit having direct access to the street.								
Building Entrance Orientation	 i. Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the sidewalk by way of a front porch or stoop with steps. ii. Primary entry for each unit or separated occupancy must face onto and connect to the primary street. The corner unit may face the secondary street. Secondary entries permitted from the side or rear. 								
Parking Access and Location	 i. Garages or carports must be accessed from the rear yard via an alley. Where no alley exists, a driveway shall lead to rear access drive. ii. Parking may be provided on a driveway, garage, or carport located in the rear yard. 								
4. Articulation	Adjoined dwelling units shall be distinguishable through a change in plane, change in material, or architectural expression.								

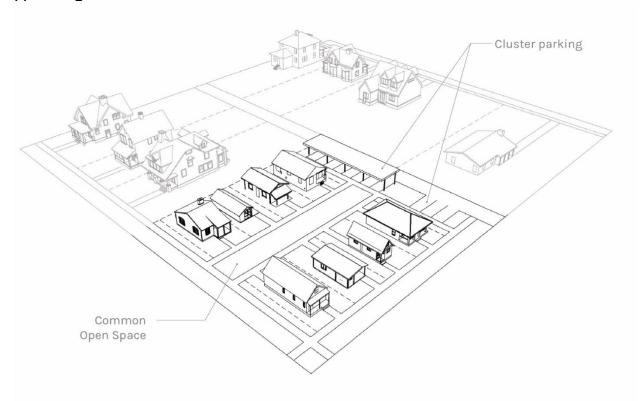






		_				
3.	General	a.	Number . One ADU is permitted per residentially zoned lot.			
	Standards	b.	Creation. An ADU may be created through new construction,			
			conversion of an existing structure, addition to an existing			
			structure, or conversion of a qualifying existing house to a garden			
			cottage while simultaneously constructing a new primary dwelling			
			on the site.			
		c.	Use. Occupancy and use standards for an ADU shall be the same			
			as those applicable to a primary dwelling on the same site.			
		Ь	Height and Setbacks. ADUs shall meet the siting and massing			
		۵.	standards of the district in which they are located.			
		۵	Yard Setbacks. No portion of an existing building that encroaches			
		0.	within a required yard setback may be converted to or used as a			
			detached garden cottage unless the building complies with			
			setback exemptions available elsewhere in the code.			
		f.	Alteration. If a garden cottage is proposed for an existing			
			detached accessory structure that does not meet one or more of			
			the above standards, the structure is exempt from the standard(s)			
			it does not meet. Alterations that would move the structure out of			
			conformance with standards it does meet are not allowed.			
4.	Building	a.	Only one entrance may be located on the front facade of the			
	Entrance		primary dwelling facing the street, unless the primary dwelling			
	Orientation		contained additional entrances before the accessory suite was			
			created. An exception to this regulation is entrances that do not			
			have access from the ground such as entrances from balconies or			
			decks.			
		b.	Entrance may face secondary street			
			ADU may be accessed via external stairs per Section 4.2:4(2)			
		0.	Balconies and Fire Escapes			
5	· · · · · · · · · · · · · · · · · · ·		Size. An ADU may be no more than 600 square feet or the size of			
0.	Danamy Doolg.	۵.	the primary dwelling, whichever is less.			
		h	Parking. One additional parking space is required for an ADU.			
		٥.	Existing required parking for the primary dwelling must be			
			maintained or replaced on-site.			
		_	Exterior finish materials. Exterior finish materials must visually			
		0.	match in type, size and placement, the exterior finish materials of			
			the primary dwelling.			
		٦	Roof pitch. The roof pitch must be the same as the predominant			
		u.	roof pitch of the primary dwelling.			
			Windows. If the street-facing facade of the ADU is visible from the			
		╒.	street, its windows must match, in proportion and orientation, the			
			· · · · · · · · · · · · · · · · · · ·			
		_	windows of the primary dwelling.			
		f.	Eaves. The ADU must have eaves that project the same distance			
			as the primary dwelling's eaves or greater from the building.			

(f) Cottage Courts



- 1. **Description.** Cottage courts are a grouping of small, single-family dwelling units clustered around a common area and developed with a coherent plan for the entire site.
- 2. **Purpose.** The purpose of Cottage Courts is to:
 - a. Provide a housing type that responds to changing household sizes, ages and financial security (e.g., retirees, small families, single-person households, young professionals);
 - b. Provide opportunities for ownership of small, detached units within a neighborhood;
 - c. Encourage creation of more shared usable space for residents of the development through flexibility in density and lot standards;
 - d. Contribute to a strong sense of community through cluster arrangement;
 - e. Provide guidelines to ensure compatibility with surrounding uses; and
 - f. Allow for residential development in areas with environmental constraints like floodplains and woodlands.
- 3. **Definition.** A cottage shall be defined as:
 - a. A single-family dwelling of conventional modern construction and built to all Michigan building and sanitary codes;
 - b. Placed on a permanent foundation;
 - c. Has a total square footage of between 500 and 1,200;
 - d. Is sited on legally created parcel, subject to setbacks of this ordinance; and
 - e. Is connected to the municipal water and sewer systems.

4. **Accessory dwelling units.** Accessory dwelling units (ADUs) shall not be permitted in cottage court developments.

5. Cottage Lot Requirements.

- 1. Lot Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet
- 2. Lot Depth. Minimum depth per lot 50 feet. Maximum depth per lot 100 feet

6. House Site Arrangement.

- a. Cottage courts shall contain a minimum of four cottages, with a maximum of 12 cottages per grouping. A development may contain multiple groupings.
- b. Groups of cottages shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the director.
- c. On a lot to be used for a cottage court, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

7. Height Limit and Roof Pitch.

- a. The height limit permitted for structures in cottage court developments shall be 18 feet.
- b. The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.

8. Lot Coverage and Floor Area.

- a. The maximum lot coverage permitted for buildings in cottage court developments shall not exceed 60 percent.
- b. The maximum main floor area is 700 square feet.
- c. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than six feet in height).
- d. Attached garages shall be included in the calculation of total floor area.
- e. Areas that do not count as total floor area are:
 - i. Unheated storage space located under the main floor of the cottage.
 - ii. Attached roofed porches.
 - iii. Detached garages or carports.
 - iv. Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second-floor area under the slope of a roof.
 - v. The total square foot area of a cottage dwelling unit may not be increased under any circumstance.

9. Setbacks and Yards.

- a. Yards. The front yard setback for cottage courts shall be 15 feet.
- b. Rear Yards. The minimum rear yard for a cottage court housing development shall be 10 feet.
- c. Side Yards. The minimum required side yard shall be 5 feet.
- d. Interior Separation for cottages. The separation between cottages shall be between 5 and 15 feet.
- e. Courtyard. The minimum required courtyard width is 30 feet.

10. Required Open Space.

- a. Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
 - i. A minimum of 250 square feet per dwelling unit shall be provided as common open space (setbacks and private open space shall not be counted as common open space).
 - ii. A maximum of 200 square feet per unit may be private usable open space (setbacks and common open space shall not be counted as private open space).
- b. Setbacks, stormwater management facilities, parking areas, buffers, and driveways do not qualify as open space area.
- c. Required common open space shall be provided at ground level in one contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
- d. The minimum horizontal dimension for common open space shall be 10 feet.
- e. Each house shall abut its private open space, if provided. A fence or hedge not to exceed three feet shall separate private open space from common open space.
- f. If provided, private usable open space shall be in one contiguous area with a maximum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.

11. Building Entrance Orientation.

- a. Primary entry shall be oriented towards the common open space area.
- b. Sidewalk connections shall be provided from primary entrances to sidewalks.
- c. Covered front porches are required with a minimum area of 60 square feet with a minimum dimension of six feet on any side.
- d. Secondary entrances facing a street or sidewalk shall have a five-foot-by-five-foot porch.
- e. Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.

12. Building Design.

- a. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.
- b. Variety in Building Design. A variety of building elements and treatments of cottages and garage or carport must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the city's design standards. No blank walls are allowed.

13. Parking. Parking shall be:

- a. Located on the cottage court development property.
- b. Located in clusters of not more than five adjoining spaces.
- c. Screened from public streets and adjacent residential uses by landscaping or architectural screening.
- d. Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
- e. Not located in the front yard.
- f. Off-street parking requirements are as follows:
 - i. Units under 700 square feet: one space per unit;
 - ii. Units between 700 and 1,200 square feet: one and one-half spaces per unit
 - iii. At least one parking stall per dwelling will be enclosed or covered.
- g. Access to parking shall be from an alley or a private drive that is accessible from a public road. A private drive must meet the city's engineering design and development standards.
- 14. **Covered Parking.** Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.
 - a. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
 - b. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.
 - c. The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.

15. Screening Requirements.

a. Boundaries between cottages and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.

- b. Common waste and other storage receptacles shall not be placed in the front yard setback area.
- c. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.
- 16. **Requests for Modifications to Standards.** The Community Development Director or Zoning Administrator may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:
 - a. The site is constrained due to unusual shape, topography, easements, flood prone, or sensitive areas.
 - b. The modification is consistent with the objectives of this chapter.
 - c. The modification will not result in a development that is less compatible with neighboring land uses.

17. Maintenance of open space and utilities.

a. Before Final approval is granted, the applicant shall submit covenants, deeds and homeowner's association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed, approved, and recorded at the County. Article 11 Use Standards

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 Houses and their accessory structures, including Accessory Dwelling Units, 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 ...

[No Changes to Remainder of Article 9.]

Article 11 Use Standards

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.
- 11:2 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.

Article 11 Use Standards

(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.

- 11:3 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.
- Churches, public, private and parochial schools, public libraries, museums and art galleries PreK-12 Schools, Libraries and Museums, and Places of Assembly and/or Worship shall be permitted all Residential Districts, 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.
- Hospitals, sanatoriums, clinics, nursing and rest homes, and institutions for <u>11.</u>1:11 human care Hospital Uses may be permitted in all-the R-1, R-2, R-P, and R-R Residential Districts 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

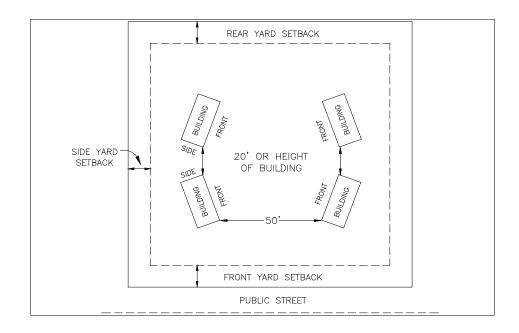
public streets. Said ingress and egress shall be hard surfaced and properly drained.

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

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.



- 11:14 Municipal, County, State and Federal Administration Building and Community Center Public 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.
- 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.
- Office, Professional and Business Establishments 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 districts. 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.
- 11:18 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.
- 11:20 Planned Shopping Centers, Restaurants/Bars, Motels and Hotels and Drivethrough 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.
- Public Utilities 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. Public Utilities with Service Yards are only permitted in the Industrial District.
- 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 multitenant sign, the size regulation above applies, but the height regulation may be in accordance with the multitenant 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.
- (a) The use of marihuana is prohibited at all licensed marihuana establishments.
- (b) 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. Drivethrough, 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.
- Banks and Financial Institutions are permitted in the RR and C-2 Districts as Office Establishments with interior facilities and exterior pedestrian facilities (such as a walk-up ATM). No Drive-Up or Drive-Thru bank or financial institution facilities are allowed in the RR or C-2 Districts.

NEW ARTICLE 12

PLANNED UNIT DEVELOPMENT

12.1:1 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....

ARTICLE 13

CONDOMINIUMS

ARTICLE 14

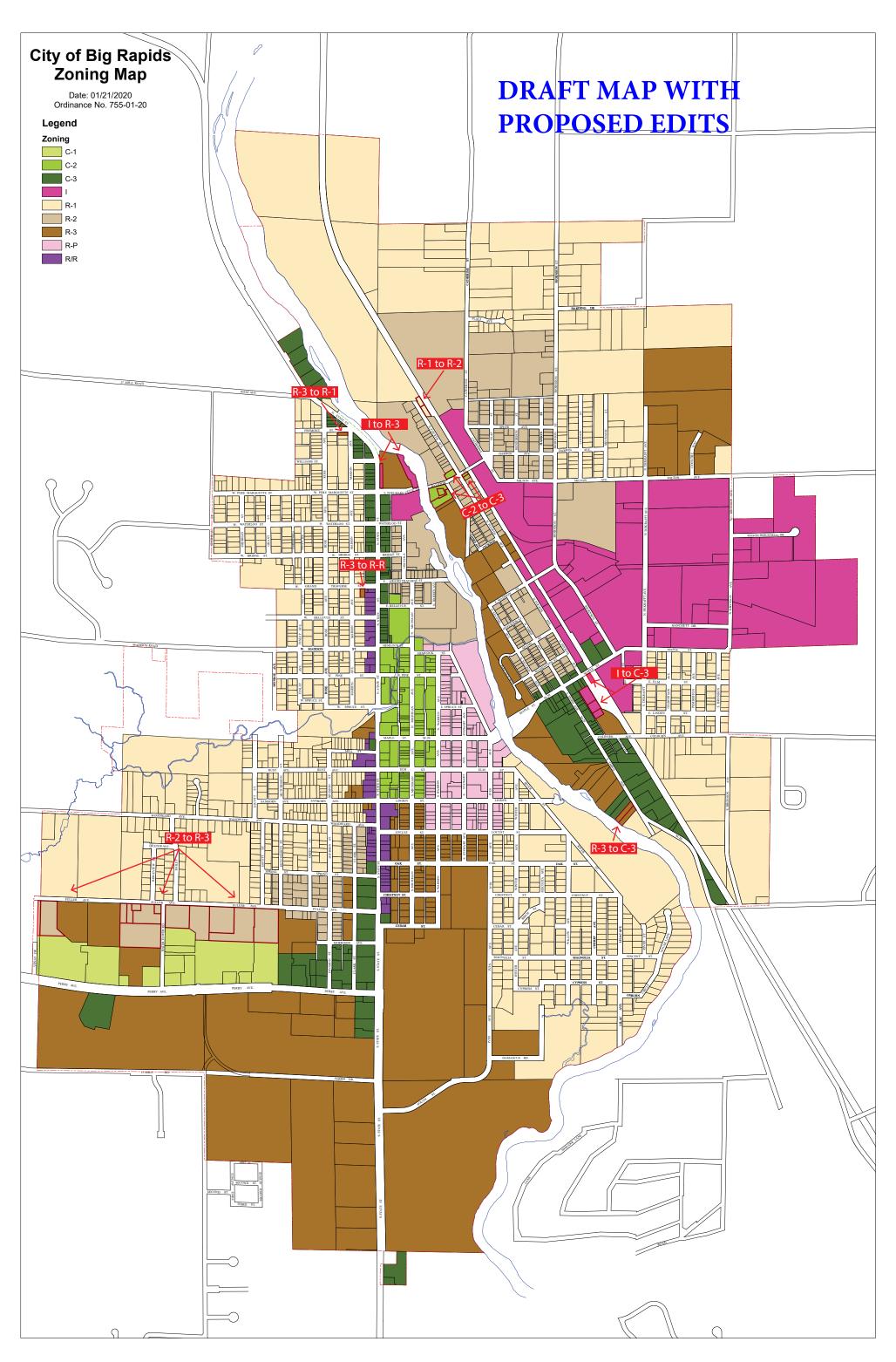
ZONING BOARD OF APPEALS

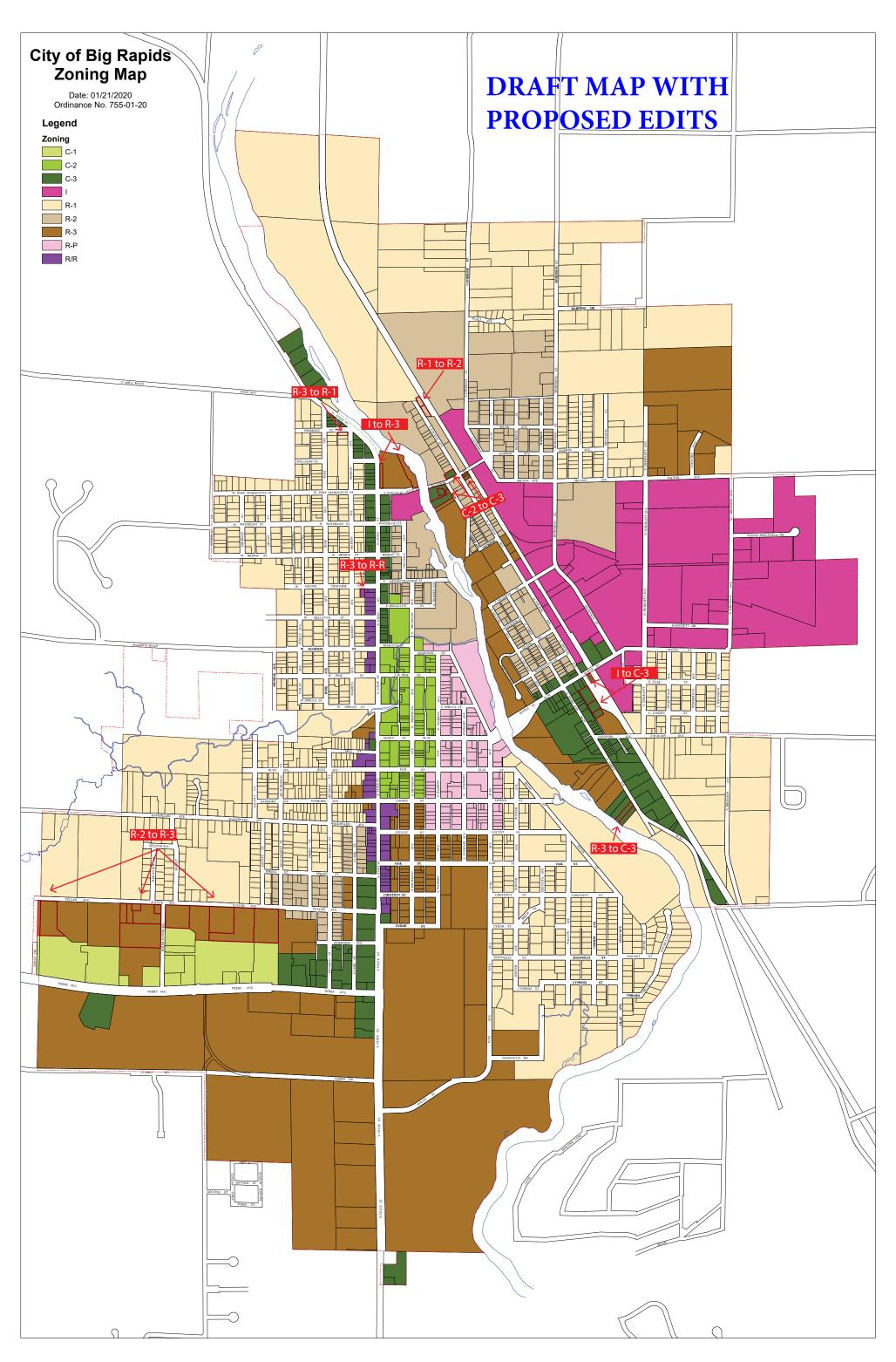
ARTICLE 15

AMENDMENTS, ADMINISTRATION, AND ENFORCEMENT

ARTICLE 16

VALIDITY, REPEAL, EFFECTIVE DATE









To:

City of Big Rapids Planning Commission Members 226 North Michigan Avenue, Big Rapids, MI 49307.

From:

WM Limited Partnership -1998 45 Ottawa Ave SW suite #600 Grand Rapids, MI 49503 616-591-9271

Dear Planning Commissioners,

Our Site Plan for the scrape and complete rebuild of our existing Wendy's drive-through restaurant at 614 S State Street in Big Rapids, MI was approved on February 4th of 2022. Unfortunately, due to circumstances out of our hands we haven't been able to start this project and with winter weather coming, we will not be able to start it until the spring of 2023. Our design would remain the same. Accordingly, we are kindly asking the Planning Commission to grant an extension of the Site Plan approval to June 30, 2023. We feel that would give us enough time to deal with potential supply chain issues that might crop up between now and then but we actually hope to start construction in April.

Thank you,

Aaron Besmer

Director of Design and Construction

cc:

Emily Szymanski, Planning & Zoning Technician

Ana Pelhank, Senior Project Engineer



CITY OF BIG RAPIDS



226 North Michigan Avenue Big Rapids, MI 49307

February 4, 2022

Fishbeck on Behalf of WM Limited Partnership 1988 1515 Arboretum Drive SE Grand Rapids, MI 49546

RE: Site Plan Review for 614 S State Street, Big Rapids, MI

Dear Mr. Whittle,

The Site Plan for a New Wendy's Drive-Through Restaurant at 614 S State Street, Big Rapids, MI 49307, has been approved by the City of Big Rapids Planning Commission and City Staff.

The site plans, dated November 17, 2021, were reviewed by the Planning Commission at their regular meeting on December 15, 2021. Those plans were "approved with conditions" by the Planning Commission, with the condition being that the plan use the existing water lines instead of the proposed new two-inch lines in the plan. Revised site plans, dated February 2, 2022, were reviewed and approved by Staff on February 4, 2022.

According to Section 9.9 of the Zoning Ordinance, the property must be developed in strict compliance with the approved site plan. Construction that does not conform to the approved site plan will result in revocation of the site plan approval. Please contact the Mecosta County Building Department regarding any necessary building permits.

Site plan approval initiates the time limits outlined in Section 9.11 of the Zoning Ordinance, which gives the applicant 12 months to begin physical construction and 18 months to complete the project.

Please contact the Community Development Department at (231) 592-4036 with any questions.

All the best.

Emily Szymanski

Planning & Zoning Technician

The City of Big Rapids is an Equal Opportunity Provider and Employer

City Manager	231-592-4020	City Treasurer	231-592-4010	Neighborhood Services	231-592-4035
Assessing	231-592-4030	DART	231-796-8675	Public Safety	231-527-0005
City Clerk	231-592-4020	Income Tax	231-592-4012	Public Works	231-592-4015
Water Plant	231-796-6231	Wastewater Plant	231-796-8483		

CITY OF BIG RAPIDS PLANNING COMMISSION MINUTES JOINT MEETING WITH THE CITY AND HOUSING COMMISSIONS December 15, 2021

Chair Jane called the December 15, 2021 regular meeting of the Planning Commission to order at 6:29 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Kasey Thompson, Chris Jane, Rory Ruddick, Sarah Montgomery, and Jacob Buse

EXCUSED Megan Eppley

ABSENT None

ALSO PRESENT Mark Gifford, City Manager

Tammy Gillis, City Clerk Eric Williams, City Attorney Aaron Kuhn, City Treasurer

Emily Szymanski, Planning & Zoning Technician Paula Priebe, Community Development Director

Todd Richter, Fleis & VandenBrink

City Commission:

Fred Guenther, Mayor

Jennifer Cochran, City Commissioner Robert Andrews, City Commissioner Karen Simmon, City Commissioner Jonathon Eppley, City Commissioner

Housing Commission:

Mark Sochocki, Executive Director

Linda Miller, Assistant Director of Programs

Dan Farrow, President Carlleen Rose, Chair

Ruth York, Housing Commissioner

There were 4 audience members.

APPROVAL OF MINUTES

Motion was made by Jacob Buse, seconded by Rory Ruddick to approve the minutes of the September 15, 2021 meeting of the Planning Commission as presented, with no changes. Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

GENERAL BUSINESS

Joint Session with the City Commission and the Housing Commission to Discuss Upcoming Housing Projects in Big Rapids, with a Focus on Mechanic Street

Staff Report

Mr. Mark Gifford summarized the Staff Report, stating that the City is in desperate need of new housing options to meet the current demand. One area in mind is the undeveloped portion of Mechanic Street. Gifford stated that the Housing Commission traded a lot on Division Street to acquire the west side of Mechanic Street in 2012. Since that time, City Staff have been discussing the feasibility of developing the street. Mr. Todd Richter, from the engineering firm Fleis & VandenBrink, summarized Phase 1 of the project. Fleis & VandenBrink examined the extension of Mechanic Street and all utilities along the west side of Mechanic Street, which would consist of approximately seven or eight lots. The project entails storm sewer, sanitary sewer, and water utilities as well as road construction. Richter stated that Fleis & VandenBrink also conducted a preliminary examination of Phase 2 of the project, which consists of the extension of the east side of Mechanic Street.

Discussion ensued over the following topics:

- Mayor Guenther asked if the sewer line would be large enough to handle the expansion. Richter stated that sewer line is currently running up Mechanic Street and would be able to handle Phase 1 of the project. There is another sewer line on DeKrafft that could be extended to handle Phase 2.
- Jane stated that he has concerns regarding the costs associated with the project and how long it would take to recuperate the investment. How would the cost-share relationship work? Gifford stated that there is a program called the 'Neighborhood Improvement Authority'. This program designates an area for future improvements and future tax increases are captured to pay for these improvements. Another option is to come up with the funds and have an agreement with the Housing Commission (i.e. if the Housing Commission would be responsible for building/selling lots and the City would be responsible for infrastructure).
- A resident stated that an old City dump was located on the undeveloped portion of Mechanic Street. Environmental quality tests need to be done. If it is a brownfield site, proper procedure will be followed.
- Ms. Rose stated that the City has a housing shortage and this is a project that should have happened years ago. The City and the Housing Commission need to go forward at some point and if both entities move forward carefully and deliberately, this is an opportunity to begin to address the lack of available housing units.
- What housing types are ideal for this area? Should the City focus on affordable housing or just new housing? Sochocki stated that the vision for the Mechanic Street expansion

- would be single-family homes, similar to those of Brookside Court, and they will strive to keep the costs as attainable as possible given building costs.
- With material and labor costs continuing to rise, the best option would be to start the work now.

City Staff will work further with Fleis & VandenBrink to work out all pre-construction duties and Staff will update Commissions once a definite plan is organized.

PUBLIC HEARING

Site Plan Review for a New Wendy's Drive-Through Restaurant at 614 S State Street (PIN 17-15-283-006)

The Public Hearing was opened at 7:35 PM

Staff Report

Szymanski summarized the Staff Report, stating that the City received a Site Plan Review application for 614 S State Street, which is the site of the Wendy's. The property is zoned C-3 Commercial and the proposed plan in the Site Plan includes a complete demolition and removal of the current structure and all pavement on site, then for the site to be rebuilt with a new Wendy's and parking lot. The Site Plan was reviewed by various City Staff to determine if they follow City Ordinances. After reviewing, Public Safety had no concerns. Public Works stated that all materials and sizing requirements meet code for storm water review, and grades and elevation look adequate. However, Matt Ruelle, Engineering Technician, stated that he had concerns regarding the proposed idea to use 2-inch water utility lines instead of 1 inch. He suggested that the Site Plan be approved with the condition of using the existing 1-inch water utility line. He also recommended that they utilize existing utility hookups rather than create a new one which would require tearing up newly paved Clark St.

Those Who Spoke in Favor of the Request: None heard

Those Who Spoke in Opposition of the Request: None heard

Telephonic or Written Correspondence Received by Staff:

Eric Podehl of 321 Sanborn Avenue spoke in favor of the request but stated he had concerns with adding new utility lines when Clark Street was just repaved, and new lines installed only three years ago. He recommended the engineers utilizing the existing lines.

The Public Hearing was closed at 7:42

Commissioners discussed the following items:

- Commissioners agreed that the Site Plan seems like a major improvement from the existing layout of Wendy's.
- Jane asked if the Applicants would be willing to use the existing connection. The Applicant stated that they would use the existing 1-inch lines over the proposed 2-inch lines.

Motion

Motion was made by Kasey Thompson, seconded by Sarah Montgomery, that the Site Plan Application for a new Wendy's drive-through at 614 S State Street (PIN 17-15-283-006), be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to protect the natural environment and conserve natural resources and energy.

The following conditions are required to address this need:

- Use the existing utility connections on Clark Street and revise plans to show existing 1-inch water lines.

A revised, dated site plan and documents addressing the above shall be submitted for staff approval within 60 days.

<u>UNSCHEDULED BUSINESS</u> None

There being no further business, Chair Jane adjourned the meeting at 7:46 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission

FROM: Paula Priebe, Community Development Director

SUBJECT: Annual Organizational Meeting 2022

DATE: September 21, 2022

Introduction

The Bylaws and Rules of Procedure for the City of Big Rapids Planning Commission call for an annual organizational meeting to be held each September at which time the Commission must do four things:

- 1. Elect officers for the ensuing year.
- 2. Appoint a Recording Secretary.
- 3. Review the Planning Commission budget for the ensuing year.
- 4. Adopt a regular schedule of meetings for the next year.

Officers and Duties

There are four offices that need to be decided are Chairperson, Vice Chairperson, Secretary, and Recording Secretary.

- <u>Chairperson</u> The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.
- <u>Vice Chairperson</u> The Vice Chairperson, in the absence of the Chairperson shall act in the capacity of the Chairperson. The Vice Chairperson shall succeed to the office of the Chairperson in the event of a vacancy in that office, in which case the Planning Commission shall select a successor to the office of the Vice Chairperson at the earliest possible time.
- <u>Secretary</u> The Secretary shall oversee the recording of minutes and keeping of records of Planning Commission business.
- <u>Recording Secretary</u> The Recording Secretary is appointed by the City Manager to take minutes of Planning Commission meetings. This individual need not be a member of the Planning Commission. The position of Recording Secretary is typically held by a staff member.

Office-holders appointed at the 2021 Organizational Meeting: Chair = Chris Jane; Vice Chair = Megan Eppley, Secretary = Sarah Montgomery, Recording Secretary = Emily Szymanski.

Persons elected shall take office immediately following their election and shall hold their office for a term of twelve months. The Chairperson, Vice Chairperson, and Secretary shall not serve more than three consecutive terms.

Current Chair Chris Jane is currently completing his third consecutive term as Chairperson. Current Vice Chair Megan Eppley is completing her second term as Vice Chair. Current Secretary Sarah Montgomery is completing her first term as Secretary.

Review the Budget

The Planning Commission (Plan/Zoning Board) has a budget each year which is part of the larger City Budget. The Plan/Zoning Board budget typically includes three line items:

101-702-860.000 Travel Expenses = \$500.00

101-702-870.100 Training = \$1,500.00

101-702-958.000 Membership Fees = \$700.00

The Membership Fees budget goes to pay the Michigan Association of Planning (MAP) membership fees for the Planning Commissioners and Zoning Board of Appeals members.

The Training budget supports the goal of providing access to training for Planning Commissioners and Zoning Board of Appeals Members each year. In 2018, consultant Kathleen Duffy provided a specialized training on Form Based Codes. In 2019, the City of Big Rapids hosted a MAP Risk Management training and invited members from area Planning and Zoning boards to attend. For the 2020-2021 Fiscal Year, Planning Commissioners chose to attend a MAP workshop entitled "Planning and Zoning Essentials", which was held remotely. In 2022, Zoning Board of Appeals members were invited to attend a remote training on their role and tasks. Two representatives from Big Rapids attended these trainings.

MAP runs a series of trainings across Michigan each year in March and their 2023 Schedule will be available in January 2023. Commissioners can attend these training if they wish. Alternatively, we can host a training in Big Rapids. Available workshops include: Planning and Zoning Essentials; Planning Commissioner Toolkit; Zoning Board of Appeals; Site Plan Review; Capital Improvements Programs; Risk Management; Community Engagement; The Master Planning Process; and Planning for Health.

Schedule of Meetings for 2023

At the annual Organizational Meeting, the Planning Commission "shall adopt a regular schedule of meetings for the next year." Historically, the City of Big Rapids Planning Commission meets on the third Wednesday of each month at 6:30PM.

If that date/time is maintained, scheduled meetings for 2023 will be as follows:

January 18, 2023
February 15, 2023
March 15, 2023
April 19, 2023
April 19, 2023
May 17, 2023
June 21, 2023

July 19, 2023
August 16, 2023
September 20, 2023
October 18, 2023
November 15, 2023
December 20, 2023

The Planning Commission may change the date and/or time of the meeting schedule by passing a motion to amend the Bylaws with the new date and/or time.

Action

The Planning Commission will be asked to nominate and pass a motion on Officers for the next year and the Schedule for 2023 at the meeting. Please consider who best can serve the board in this capacity.