



**City of Grant Zoning Code**  
Ordinance #27-2 as amended (October 2010)

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Zoning Ordinance of the City of Grant  
County of Newaygo, State of Michigan

**The City of Grant Ordains:**

**Ordinance No. 27-1: “Amendment to the Zoning Ordinance of the City of Grant” is hereby repealed.**

**Ordinance No. 27-2: “Amendments to the Zoning Ordinance of the City of Grant” is hereby established as follows:**

**0. TITLE PREAMBLE**

An Ordinance to establish zoning districts, provisions and regulations for the incorporated portions of the City of Grant pursuant to the provisions of Act 184 of the Public Acts of 1943, as Amended; to set forth regulations and minimum standards for the use and protection of lands and structures within each district of this Ordinance; to establish a Zoning Board of Appeals; and to prescribe penalties for the violation of the provisions herein.

PLANNING COMMISSION OF THE CITY OF GRANT, NEWAYGO COUNTY, MICHIGAN, under the authority of the City-Village Zoning Act, being Act 207 of Public Acts of 1921, as amended, HEREBY ORDAINS AS FOLLOWS:

**1. ARTICLE I - SHORT TITLE PURPOSE**

1.1. SHORT TITLE

This Ordinance shall be known as the Zoning Ordinance of the City of Grant.

1.2. PURPOSE

The Zoning Districts established by this Ordinance and the regulations specified for each such district have been developed in accordance with the continuing formulation of a Comprehensive Plan for the physical development of the City of Grant as a part of Newaygo County. In their application and interpretation, the provisions of this Ordinance shall be held to be minimum requirements adopted to promote the public safety, health, morals and general welfare. Among other purposes, these provisions are designed to conserve and protect lands, water and other natural resources on the City of Grant for their most suitable purposes; to protect productive agricultural lands for agricultural uses; to reduce hazards to life and property from flooding and air and water pollution; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid undue concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets; to facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewerage, drainage and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of the City of Grant.

1.3. CONTROL

Where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this Ordinance shall control.

## 2. ARTICLE II - DEFINITIONS

### 2.1. DEFINITIONS

For the purpose of this Ordinance certain terms and words are herewith defined:

- 1) **Accessory Building:** A subordinate structure on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.
- 2) **Accessory Use:** A use naturally and normally incidental and subordinate to a principal use on the same premises.
- 3) **Adult Foster Care Home:** A private home licensed by the State Department of Social Services for the care of sick, elderly or handicapped adult. A family home is defined as having one to six adults; a group home seven to twenty.
- 4) **Alley:** A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
- 5) **Alteration of Building:** A change in the supporting members of a building, an addition, diminution, change in use or conversion of a building or the removal of a building from one location to another.
- 6) **Automotive Sales Area:** An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment or mobile homes if operable condition.
- 7) **Automotive Repair Shop:** A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee.
- 8) **Basement:** A portion of a building partly below grade and having more than half of that portion's height below grade.
- 9) **Billboard or Signboard:** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.
- 10) **Board:** Wherever the word Board is used it refers to the City Board of Appeals which may be the City Commission.
- 11) **Building Inspector:** The person or persons appointed by the City of Grant to administer this Ordinance, defined herein as the Zoning Administrator/Newaygo County Building and Safety Permits.
- 12) **Boarding House or Rooming House:** A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.
- 13) **City Board:** The Grant City Commission.
- 14) **Dwelling or Apartment:** A structure designed or used as the residence or sleeping place for one or more persons, including one-family, two-family and multiple dwellings, apartment-hotels, boarding and lodging houses, but not including motels, hotels, tourist cabins, travel trailers or seasonal dwellings.
- 15) **Dwelling Units:** One or more rooms designed for or occupied by more than one family and two roomers or boarders.
- 16) **Essential Service:** The erection, construction, alteration or maintenance by private

companies or municipal departments of public utilities including gas, electrical, steam, communication, safety, water supply and distribution systems, sanitary sewer and storm sewer system.

- 17) **Family:** A head of a household, his or her spouse, children or legal wards living together on a dwelling as a single housekeeping unit.
- 18) **Farm:** Any parcel of land containing at least ten (10) acres which is used for the raising of agricultural products, livestock, poultry, or dairy products for gain and used incidental thereto; provided that the incidental uses shall be subordinate to normal agricultural use. Farm includes a Farm Dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced on the ownership as well as equipment used in farming operations.
- 19) **Floor Area:** The area of all floors computed by measuring the dimensions of the outside walls of a building excluding attic and basement floor, unenclosed porches and patios, terraces, breezeways, carports, verandas and garages.
- 20) **Floodplain:** All areas adjoining a lake, stream, river or creek or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the County Board of Commissioners; or by the Michigan DNR where it has jurisdiction
- 21) **Garage-Private:** An accessory building or portion of a main building used primarily for the storage of passenger vehicles and for not more than one truck of a rated capacity not to exceed one (1) ton.
- 22) **Governing Body:** City Commission - Grant, Michigan
- 23) **Institutional or Public Use:** Churches, schools teaching academic subjects, hospitals, convalescent or nursing homes, parks, civic centers. Libraries and other public or quasi-public uses.
- 24) **Junk or Salvage Yard:** An open area used for the collection, storage, dismantling, dumping, display, resale, exchange, bailing, cleaning or handling of second hand, salvaged or used waste materials, machinery, vehicles, trailers, equipment, furnishings or part thereof, but excluding automobile, boat or trailer sales areas and similar uses carried on in completely enclosed buildings.
- 25) **Kennel:** Any lot or premises used for the sale, boarding, breeding, or treatment of dogs, cats, or other household pets.
- 26) **Lot:** A parcel of land adjoining a dedicated public street or a perpetual, recorded private street but exclusive of any adjoining street right-of way or any legal easement, and separated from other parcels by legal description, deed or subdivision plat.
- 27) **Lot, Corner:** A lot situated at the intersection of two (2) or more streets.
- 28) **Lot Line:** Lines bounding a lot as herein described.
- 29) **Major Street:** A street or highway so designated by the City and MDOT and which is designed and intended to carry heavy traffic volumes.
- 30) **Minor or Local Street:** A dedicated public way or recorded private street which affords access to abutting properties, and is designed primarily to serve immediate neighborhood needs.
- 31) **Mobile Home:** A portable unit built without a permanent foundation to be towed on its own chassis comprised of frame and wheels, designed to be connected to utilities at a site and used as living quarters.
- 32) **Modular and Sectional Homes:** A dwelling unit consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

- 33) **Non-Conforming Use:** A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the district on which it is located.
- 34) **Nursing Homes:** An institutional licensed by the State Department of Public Health for the cure of sick or elderly adults, generally having the capacity for at least ten (10) patients.
- 35) **One-Family Dwelling or Single-Family Dwelling:** A detached residential building designed for or occupied exclusively by one family and in no case permitting more than two (2) roomers or boarders.
- 36) **Parking Area:** An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees, or the general public.
- 37) **Person:** A legal entity or individual human being "person" shall include an association, corporation, organization, partnership or a firm.
- 38) **Planning Commission:** The City of Grant Planning Commission.
- 39) **Principal, Permitted, or Main Use:** The primary or predominant use of the premises.
- 40) **Public Utility:** Any person, firm or corporation duly authorized to furnish and furnishing to the public under State, County or Municipal regulations electricity, gas steam, telegraph, transportation or water services.
- 41) **Service Station or Filling Station:** A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile repairs.
- 42) **Sign:** Any announcement, declaration, illustration or insignia used to advertise or promote the interests of any person, produce or project when the same is placed, painted or displayed out of doors in view of the general public.
- 43) **Single Ownership:** Ownership by one person or by two or more persons jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.
- 44) **Special Land Uses:** Land uses which will be permitted in a zoning district only after review and approval by the Grant Planning Commission and the Grant City Commission.
- 45) **Story:** That portion of the building included between the surface of any floor and the surface of the floor above it; where there is no second floor, then shall mean the space between the floor and the ceiling next above it. A story, thus defined, shall not include any portion of a building having more than fifty (50) percent of its total cubic content below the established grade level.
- 46) **Street:** A public right-of-way of fifty (50) feet or more in width which has been dedicated for the purpose of providing access to abutting private lots or land, including the space for pavement and sidewalks.
- 47) **Structure:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term building shall mean the same.
- 48) **Swimming Pool:** A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pool temporarily erected upon the ground holding less than 300 gallons of water.
- 49) **Terms:** The present tense shall include the future; the singular number shall include the plural; and the plural the singular. The word "shall" is always mandatory. The words "zone" and "district" are the same. Reference to a whole shall apply to a part

thereof. The word "lot" includes the words "plot" or "parcel". Any word or term not defined herein shall be used with a meaning of common utilization.

- 49.1) **Wind Energy Conversion System (Wind Turbine) (Amended 27-2, 2010):** A wind energy conversion system shall mean all or any combination of the following:
- A) A mill or machine operated by wind acting on oblique vanes or sails that radiate from A Horizontal shaft;
  - B) A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical Power;
  - C) A shaft, gearing, belt, or coupling utilizing the wind for electrical or mechanical power;
  - D) The generator, alternator, or other device to convert the mechanical energy of the surface Area into electrical energy; and,
  - E) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- 49.2) **Wind Energy Conversion Systems (Windmill, Small) (Amended 27-2, 2010):** A Wind energy Conversion System, as defined herein, which has a rated capacity of not more than 100kW/1MW and which is intended primarily to reduce on-site consumption of utility power.
- 50) Yard:**
- A) **Front Yard:** An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the front street property line and the nearest foundation of any part of the building.
  - B) **Side Yard:** An open unoccupied space unless occupied by a use as hereinafter specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, extending from the yard to the rear yard.
  - C) **Rear Yard:** A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building, and the rear lot line.
- 51) **Zoning Administrator/Administrative Staff:** The person or persons appointed to administer this Ordinance, and for the purpose if this Ordinance said persons shall be the building inspector if so designated by the City of Grant. (Amended Ord. 27-2, 2010)
- 52) **Zoning Board:** Grant City Planning Commission



**3. ARTICLE III - CLASSIFICATION OF DISTRICTS**

**3.1. ZONE DISTRICT**

For the purpose of this ordinance of the City of Grant, is hereby divided into six (6) zoned districts to be known as:

- M-2 Industrial District
- B-C Business District
- R-R Rural Residential District
- RMH Mobile Home Residential District
- R-80 Single Family Residence District
- R-A Apartment District

**3.2. MAP**

The map entitled Zoning Map delineating the above districts is hereby declared to be part of this ordinance. Except where references by lines, municipal boundary lines, section lines, fractional section lines of the adoption of this ordinance.

**3.3. LOT DIVIDED BY ZONE LINE**

Where a district boundary line of the Zoning map divides a lot, the least restricted use shall not extend beyond such line.

#### 4. ARTICLE IV - GENERAL PROVISIONS

##### 4.1. ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF

No structure, land or premise shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered except in conformity with the regulations herein set forth.

##### 4.2. RESTORING UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the building inspector.

##### 4.3. BUILDING PERMITS

No structure shall hereafter be erected, enlarged, altered, or reconstructed until a Zoning Compliance Permit is obtained from the City of Grant and a Building Permit has been obtained from Newaygo County Building Safety & Permits Department. **(Amended Ord. 27-2, 2010)**

##### 4.4. PENDING BUILDING PERMITS

Any building permit issued prior to the effective date of this ordinance shall be commenced within sixty (60) days after said date and shall not thereafter be discontinued for a continuous period in excess of sixty (60) days.

##### 4.5. MIXED OCCUPANCY

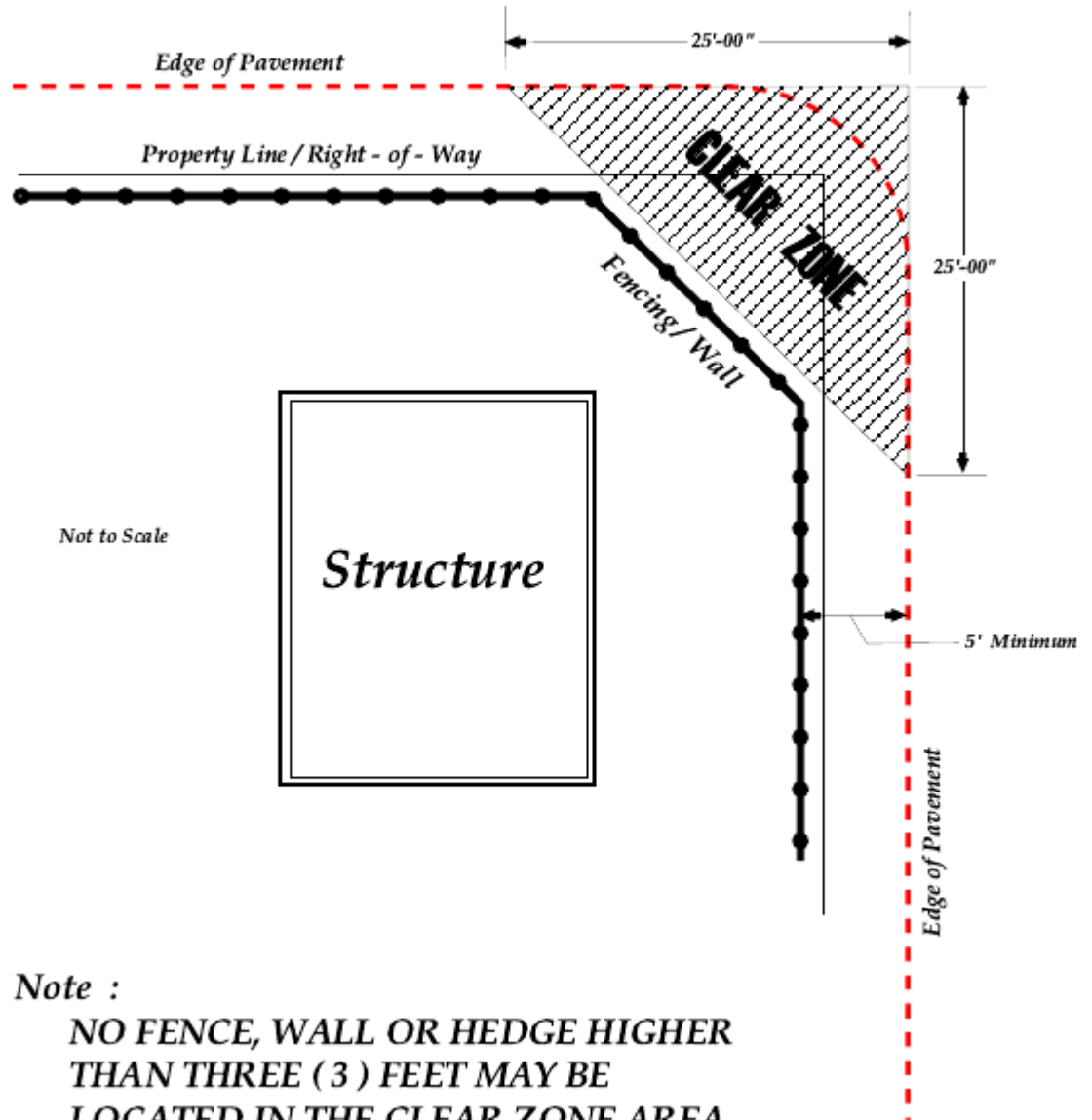
Before issuing a building permit for any premises intended for use as a combination of dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alteration, the Building Inspector shall request a report from the Newaygo County Health Officer as to any hazards that exist or may be expected to exist from the proposed use, together with his recommendations for any additional provisions or alterations necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

##### 4.6. REQUIRED AREA OR SPACE

No lot, yard, parking area or other space shall be so divided, altered, or reduced as to make it less than the minimum required under this ordinance. If already less than minimum required, it shall not be further divided or reduced.

4.7. TRAFFIC VISIBILITY AND CORNER CLEARANCE (**Amended Ord. 27-2, 2010**)

On any corner lot in any zone, other than the B-C Business District where no yard space is required, no fence, wall, structure higher than (3) feet may be located in the clear zone area. Any fence or wall structure will maintain a minimum setback from the edge of street pavement. The clear zone area is defined as a triangular area measured (25) feet along the street edge on each road intersecting at a corner measured at a 90 degree angle.



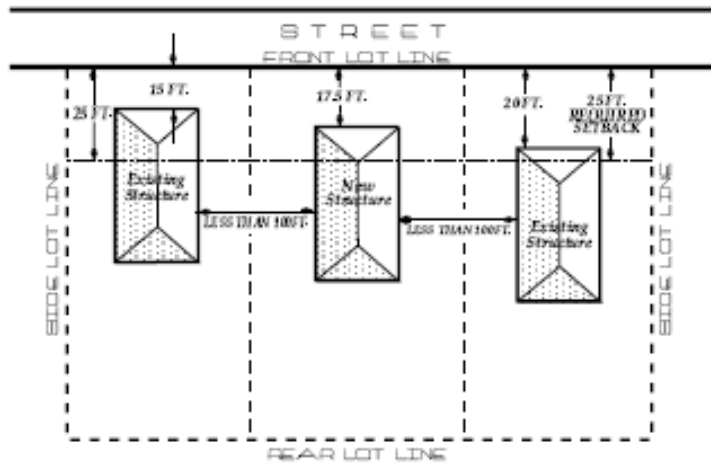
4.8. YARDS

Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon the street. In such case, no building is permitted within 25 feet of street right-of-way and side yard requirements shall be met. On lots facing upon a major

street or highway the required front yard shall be measured from a line 50 feet from the centerline of the street or highway. The following modification may be made:

- 1) In a lot facing upon a minor or local street where lots adjoining it on both sides have been built upon with a setback less than required by the ordinance, The front yard may conform to the established front yard setback, provided, however, that no front yard may hereafter be less than one-half of the zone requirements of the ordinance

## **FRONT YARD SETBACK AVERAGING**



*NOTE: Not to Scale*

*NOTE: When averaging front setbacks of existing structures the setback for the new structure shall be no less than 15ft.*

#### 4.9. PRINCIPAL USE

No lot may contain more than one principal building provided that groups of apartment building or retail business building under single ownership shall be deemed a principal use collectively.

4.10. ACCESSORY BUILDINGS

No accessory building may be built upon a lot on which there is no principal building, except under the following conditions:

- 1) Farm accessory building shall not be subject to above restriction.
- 2) Adjoining lots in single ownership may be considered one lot.

4.11. DWELLING ON REAR OF LOTS

No dwelling shall be constructed, altered, or moved in the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved in front of a dwelling situated on the same lot.

4.12. CORNER LOTS

Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on one abutting street only, provided that no portion of the lot within 25 feet of the side lot line of any adjoining property may be utilized unless the front yard requirement for the adjoining property is met.

4.13. TEMPORARY PERMITS

The following temporary uses are permitted by special temporary permit in districts as regulated herein; all such uses shall be terminated within 30 days after expiration of said permit:

- 1) Signs and Supplies: The storage building supplies and machinery, temporary storage buildings and customary trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Building Inspector for a period up to twelve (12) months.
- 2) Subdivision Office: The board, after a hearing, may authorize a Temporary Certificate of Occupancy for a dwelling in a new subdivision to be used as a sales and management office for a period of twelve (12) months.
- 3) Temporary Structure Removed: Temporary building for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

4.14. BASEMENT DWELLING

The use of the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four (4) feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided, that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling.

4.15. WALLS AND FENCES (**Amended Ord. 27-2, 2010**)

Walls and solid fences six (6) feet in height are permitted in side or rear yards in any zone. Fences that are more than 25% opaque may not exceed (4) feet in height front yards, and fences that are less than 25% opaque may not exceed (6) feet in front yards. If a sidewalk is present there must be a minimum setback of (2) feet maintained. Provisions of section 4.7 must be met with corner lots. A well maintained wire protective fencing without height limitation is permitted in all yards on the RR and Industrial zones; provided, however, that the provisions of section 4.7 must be met.

4.15.1. MATERIALS

1) Materials for fences and walls shall be limited to woven wire, chain link, brick, stone, stucco, masonry, standard wood fencing, and composite fencing materials approved by Administrative Staff.

4.15.2. LOCATION

1) Fences and walls may be placed up to side and rear property lines. The owner of the property on which a fence or wall is to be placed, shall be responsible for locating the property line for the placement of the fence or wall. The City of Grant will not inspect for nor have any responsibility to locate a property line.

2) No fence or wall shall be placed on any street right-of-way or public easement, unless determined by Administrative Staff that excessive right-of-way exists that would allow the fence or wall to be located in the right-of-way and not create a traffic hazard.

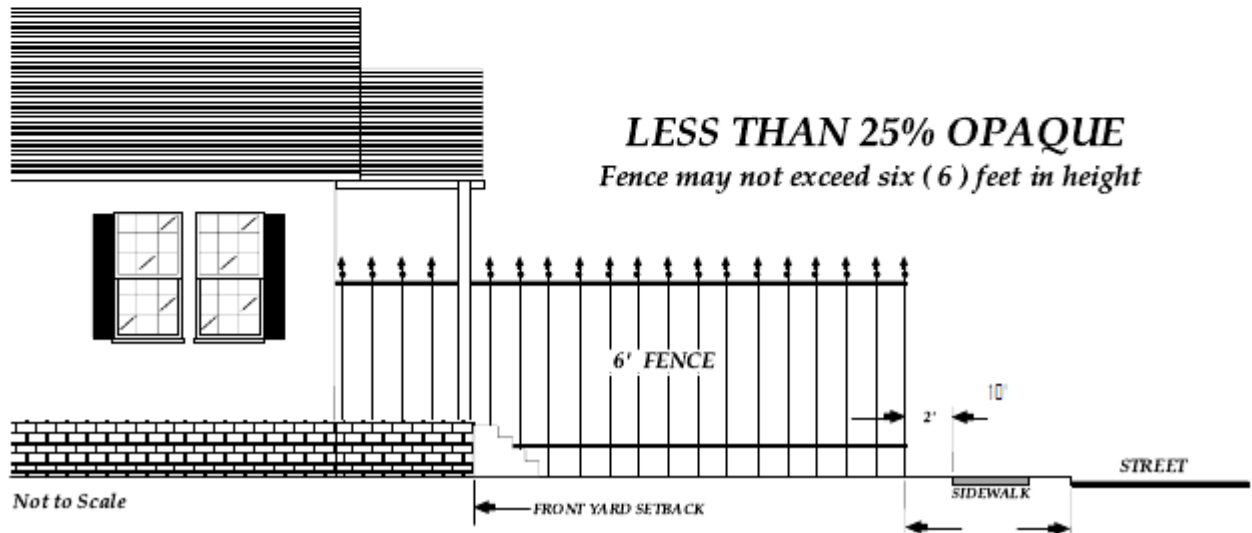
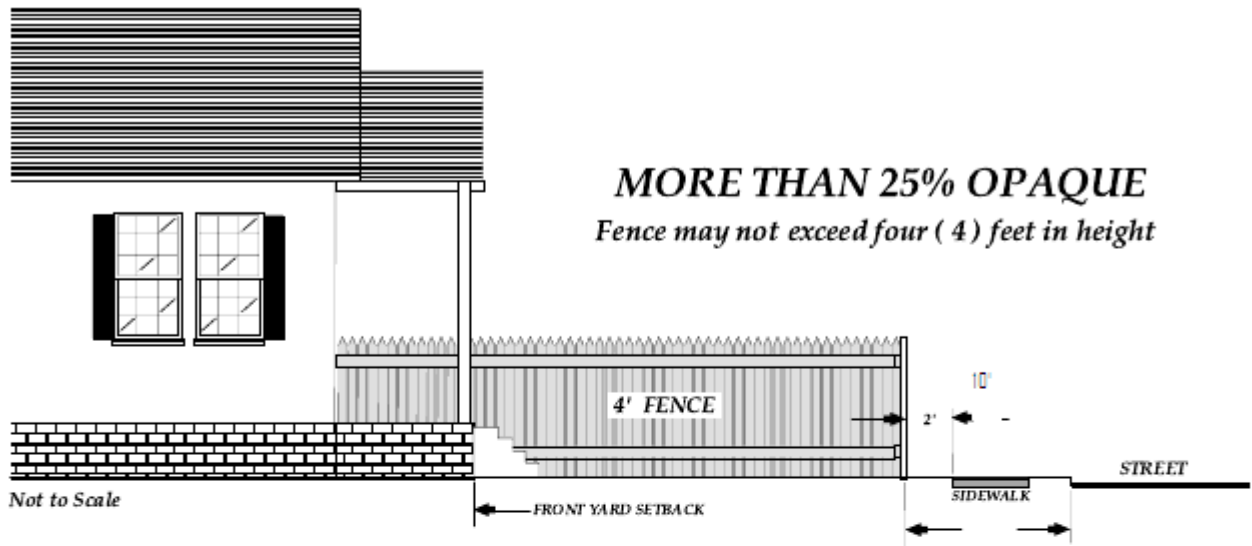
3) No fence, wall or hedge shall be placed so as to constitute a hazard to traffic or safety.

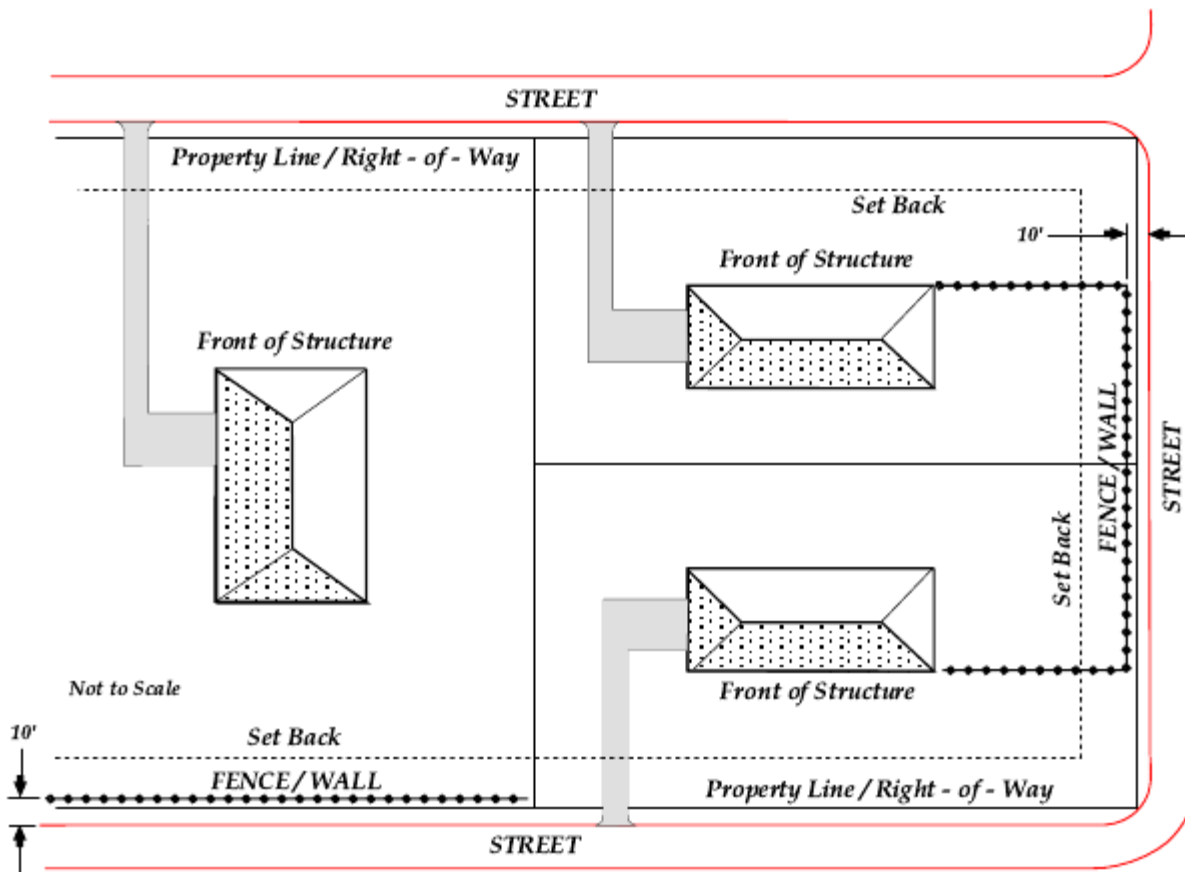
4) No fence or wall shall be placed in a manner that will impede the flow of natural drainage.

5) No fence or wall shall be placed closer than (5) feet from the edge of any street or (2) feet from any sidewalk.

6) Fences must maintain a minimum setback from the street pavement of (10) feet provided there is no sidewalk present in the location.

## Fence Heights-Front Yard





#### 4.16. HEIGHT EXCEPTIONS (Amended Ord. 27-2, 2010)

The height limitations of all zones may be exceeded by the following structures; parapet walls, chimneys, roof mounted television and radio antennas, cellular towers- (location must be approved by Planning Commission and Grant City Commission), monuments, cupolas, spires or other ornamental projections, water towers or fire towers. In Industrial Zone chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other necessary appurtenances are permitted above the height limitations provided they are located the same distance as their height from any adjoining property line.

##### 4.16.1 Small Wind Energy Conversion Systems/Wind Turbines (Amended Ord. 27-2, 2010)

The purpose of this section is to promote the safe, effective, and efficient use of small wind turbines installed to reduce the on-site consumption of utility-supplied electricity. All small turbines shall be subject to the requirements of Section 16.2 (Site Plan Review) and the following requirements:



- A) Small wind turbines may be attached to an existing structure or mounted on a tower structure with the following height limitation, measured from the natural grade directly below the turbine to the uppermost component of the system with its blade in a vertical position:
- i) For parcels in all districts, wind turbines which are no greater than forty (40) feet in height shall be a permitted accessory use and must have a drop zone that insures that the structure will not fall on any adjacent property owners' property.
  - ii) All other wind turbines proposed may receive a special use variance through the ZBA.
- B) The minimum vertical blade tip clearance from grade shall be twenty (20) feet.
- C) No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the site upon which it is installed. The tower structure shall be setback from all adjoining property lines and rights-of-way (public or private) a distance equivalent to or greater than the combined height of the installation measured to the vertical tip of its blade.
- D) Small wind turbines shall not cause a sound pressure level in excess of 60 decibels, as measure at any adjacent property line.
- E) Small wind turbines shall be equipped with an automatic braking, governing or a feathering system to prevent uncontrolled rotation or over-speeding. Small wind turbines and towers shall be equipped with lightning protection.
- F) Zoning Compliance Permits for all wind turbines shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall be provided. Any other building permits must be obtained from Newaygo County.
- G) Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations in close proximity to airports.
- H) All responsibilities for on-site wind turbines shall be transferred with the ownership of the land.
- I) Any wind turbine which sits idle, does not function, or fails to meet the requirements of this section for a period greater than six (6) months shall be considered abandoned and shall be dismantled at the cost of the owner.
- J) No small wind energy conversion system which is proposed to be connected to a public electric utility grid system shall be approved until evidence has been given indicating that the utility company has approved such installation.

#### 4.17. SEWER AND WATER

Where municipal utility services are available, no building permit shall be issued for any building to be occupied by human beings, in whole or in part, for commercial, residential or recreational purposes unless provisions have been made to install public sewer and water; no Building Permit shall be issued for any building to be occupied by human beings, in whole or in part, for commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage disposal system; evidence of

compliance with the requirements of the Newaygo County Health Department shall accompany the application for a building permit.

4.18. REFUSE

The storage, collection or placing of discarded material, building materials, inoperable or unlicensed motor vehicles or refuse is prohibited in all zones except as provided in Article XVI.

4.19. EXCAVATION OF TOPSOIL **(Amended Ord. 27-2, 2010)**

Topsoil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises except when in connection with the construction and grading operations (Excavator shall receive a permit from the Newaygo County Drain Commissioner in reference to new grades), the topsoil is in surplus amounts; or as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits.

4.20. CHANNELIZATION

On any developed land in the City, there shall be no new channelization on lake front properties which would increase the number of lake users and therefore substantially increase the dangers of polluting or degrading the water quality of the lake.

4.21. PLANNED UNIT DEVELOPMENT

- 1) Special Land Use - Planned Unit Development shall be recognized as a special land use and controlled by the guidelines thereof. Control of such developments shall be the responsibility of the City Planning Commission and City Commission.
- 2) Purpose - The purpose of these regulations is to permit greater flexibility and, consequently, more creative and imaginative design in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a Planned Unit Development subject to compliance with the requirement, standards and procedures set forth in this ordinance.
- 3) General Requirements for Planned Unit Developments - Any applications for an exceptional use permit must meet the following conditions to qualify for consideration as a Planned Unit Development:
  - A) Minimum area - The minimum area required to qualify for a Planned Unit Development special exception permit shall be no less than five (5) contiguous acres of land.

- B) Ownership - The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included. (The holder of a written option to purchase land or the holder of an executory land contract shall, for purposes of such application, be deemed to be an owner of such land.)
  - C) Location - Planned Unit Developments shall be allowed only within the R-80 and RA Residential Districts and providing the applicant can demonstrate that the proposed character of development will meet the objectives of Planned Unit Developments.
  - D) Utilities - Public water, or private water supply, sanitary sewer and storm drainage facilities shall be provided as part of site development. All electric and telephone transmission shall be placed underground.
  - E) Approval - Approval by the Grant City Planning Commission of a sketch plan and detailed site plan of all Planned Unit Developments is required. Grant City Commission approval is required for a detailed site plan.
- 4) Permitted Uses - No structure or part thereof shall be erected, altered, used, and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:
- A) Residential Uses:
    - i) Single family detached dwellings, excluding mobile homes
    - ii) Two family dwellings
    - iii) Apartments
    - iv) Townhouses
    - v) Condominiums
    - vi) Other multi-family dwellings
  - B) Commercial uses designed and intended to serve the convenience needs of the people residing in the Planned Unit Development:
    - i) Food Stores
    - ii) Bakeries (retail only)
    - iii) Barber or Beauty Shops
    - iv) Banks and Financial Institutions
    - v) Shoe Sales and Repair Stores
    - vi) Florist and Garden Shops
    - vii) Hardware Stores
    - viii) Variety Stores
    - ix) Book and Stationery Stores
    - x) Dry Cleaning (pick-up or coin operated only)
    - xi) Wearing Apparel Shops
    - xii) Medical or Professional Offices
    - xiii) Drug Stores

- xiv) Post Office
- C) Accessory and Associated Uses:
  - i) Private Garages
  - ii) Storage Sheds
  - iii) Recreational Play Area
  - iv) Churches
  - v) Elementary and Secondary Schools
- 5) Design Requirements - Within the Planned Unit Development approval under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located.
  - A) Number of Dwelling Units Permitted - The maximum number of dwelling units permitted within the project shall be determined by dividing the net Planned Unit Development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
  - B) Lot area requirements - The minimum lot area shall not be reduced for any permitted uses more than 20 percent below that required in the district in which the project is located.
  - C) Setbacks and yards - The minimum setback and yard or open space requirements for building and structures may be reduced or increased in the discretion of the Grant City Planning Commission to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.
  - D) Minimum lot frontage and width - The minimum lot frontage and width for any lot designated for single family dwelling may be reduced 20 percent below requirements of the district in which the Planned Unit Development is located.
  - E) Screening - A screening area may be required by the Grant City Planning Commission along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.
  - F) Amount of open space required - Within every Planned Unit Development there shall be planned and set aside permanently as part of the total development as amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area of the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Grant City Planning Commission must find the land thus designated to be: (1) sufficient in size, suitably located, with adequate access, and (2) that evidence is given that satisfactory

arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.

- G) Arrangements of open space - All required open space within a Planned Unit Development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along the public street.
- 6) Application Procedure and Approval Process
- A) General - Whenever any Planned Unit Development is purposed, before any building permit is granted, the developer shall apply for and secure approval of special land use on accordance with the following procedures and obtain approval of a Detailed Site Plan from the Grant City Planning Commission and the Grant City Commission.
  - B) Sketch plan approval:
    - i) In order to allow the Grant City Planning Commission and the developer to reach an understanding of basic design requirements prior to formal special land use application and detailed site design investment, the developer shall submit a sketch plan of his proposal to the Grant City Planning Commission. The sketch shall be drawn approximate scale and clearly show the following information:
      - a) Boundary of the property
      - b) Location and height of all buildings
      - c) Interior roadway system, parking facilities and all existing right-of-way and easements, whether public or private.
      - d) Delineation of the various residential and/or commercial areas indicating for each such area its size, number of buildings and composition in terms of total number of dwelling unit type, plus a calculation of net residential density and commercial density.
      - e) The interior open space system
      - f) The overall storm water drainage system
      - g) If grades exceed thirty (30) percent or portions of the site have a moderate to high susceptibility to erosion, or moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
      - h) Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.

- i) General description of the provisions of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
    - j) A location map showing uses and ownership of abutting lands.
  - ii) In addition, the following documentation shall accompany the sketch plans.
    - a) Evidence that the proposal is compatible with the objectives of the community's plan.
    - b) General statement as to how common open space is to be owned and maintained.
    - c) The sketch plan shall show the intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
  - iii) Approval of Sketch Plan shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.
  - iv) Request for changes in Sketch Plan - If it becomes apparent that certain elements of the Sketch Plan have become unfeasible and in need of modification, the applicant shall then resubmit his entire Sketch Plan, as amended, to the Grant Planning Commission pursuant to above procedures.
- C) Application for detailed site plan approval:
  - i) After receiving approval from the Grant City Planning Commission on a Sketch Plan, the applicant may prepare his detailed site plan and submit it to the Grant City Planning Commission for approval in accordance with the special land use procedures of this ordinance. However, if more than (6) months have elapsed between the time of the Sketch Plan approval, the Grant City Planning Commission may require a re-submission of the sketch plan for further review and possible revision.
  - ii) The detailed Site plan shall conform to the sketch plan that has been given approval. It should incorporate any revisions or other features that may have been recommended by the Grant City Planning Commission at the preliminary review. All such compliances shall be clearly indicated by the application on the appropriate submission.

- iii) The Detailed Site Plan shall include the following information:
  - a) An area map showing the applicant's entire holding. the portion of the applicant's property under consideration, and all properties, subdivision, streets, utilities, and easements within three hundred (300) feet of applicant's property.
  - b) A topographic map showing contour intervals of not more than four (4) feet of elevation shall be provided.
  - c) A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with access and egress drives thereto, location of outdoor storage, if any; location of existing or retaining walls and fences, description of method of water supply sewage disposal and locations of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
  - d) A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
  
- iv) Required standards for approval - The Grant City Planning Commission review of the Detailed Site Plan shall include the Following:
  - a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movements.
  - b) Location, arrangement, appearance, and sufficiency of off-street parking.
  - c) Location, arrangement, size and entrances of buildings, walkways and lighting.
  - d) Relationship of the various uses to one another.
  - e) Adequacy, type, and arrangements of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen.
  - f) In the case of residential uses, the adequacy of useable open space for playgrounds and recreation.

- g) Adequacy of water supply, storm water and sanitary waste disposal facilities.
  - h) Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
  - i) Compliance with all regulations of the Grant City Zoning Ordinance.
  - j) Compatibility of adjoining uses on and off the site and preservation thereof.
- D) Special land use compliance - Application for detailed site plan approval should comply with all special land use requirements including public hearing and notification. Public hearing is not optional in this case, however. Final approval rests with the Grant City Commission.
- E) Action on Detailed Site Plan - The Grant City Commission shall render its approval, conditional approval, or disapproval and so notify the applicant and the Building Inspector. Final approvals may be granted phase by phase on each phase of a multi-phased planned unit development.
- F) Revocation- In any case where construction on the Planned Unit Development has not commenced within one year from the date of approval, the special use permit shall be null and void.
- 7) Effect of Approval
- A) After a detailed site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Grant City Planning Commission and the Grant City Commission after proceedings have been conducted as in the original application. This limitation shall apply to successive owners.
- 8) Bond Requirements - A performance bond or bank letter of credit conditional upon construction and development in accordance with the approved plans may be required by the Grant City Commission to be filed with the City Clerk at the time of application for a building permit where the development is to be completed in phases over a period of years in such amounts and for such periods as in the discretion of said Commissioners appears adequate to insure compliance with the approved plans.



## 5. ARTICLE V - NON-CONFORMING USES

### 5.1. CONTINUANCES OF NON-CONFORMING USE OR STRUCTURE

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued even though such use of structure does not conform with the provisions of this Ordinance. Structures, or uses non-conforming by reason of height, yards and area or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height, area or parking provisions are occasioned thereby.

### 5.2. UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

### 5.3. CHANGE OF USE

The use of a non-conforming building may be changed to another non-conforming use if the Board finds such a new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use nor to waive the other provisions of this Article.

### 5.4. RESTORATION AND REPAIRS

Such repairs and maintenance work as are required to keep a non-conforming building or structure in sound condition may be made. If a non-conforming building or structure is damaged or destroyed to the extent of sixty (60) percent of its real value by fire, flood, wind or other calamity, its reconstruction shall be in accordance with this Ordinance. A non-conforming use damaged to a lesser extent may be restored to its size at the time prior to such damage and its use resumed. Any such restoration shall be started within a period of one (1) year of the time of such damage and diligently prosecuted to completion.

### 5.5. NON-CONFORMING DUE TO RECLASSIFICATION

The foregoing provisions of this Article shall also apply to buildings, land or uses which hereafter become non-conforming due to reclassification of districts or any subsequent change in regulations of this Ordinance.

### 5.6. NON-CONFORMING USE DISCONTINUED

No building or premises where a non-conforming use has ceased for more than twelve (12) months shall be devoted to a non-conforming use except as provided in Section 5.3.

### 5.7. NON-CONFORMING USES ELIMINATED

Notwithstanding the provisions of Section 5.1, all junk yards shall be discontinued within three (3) years of notification by the Building Inspector. Non-conforming signs and billboards may be maintained until such time as the sign structure, frame or supports must be replaced,

renovated, altered or moved. At such time the sign shall comply with all provisions of this Ordinance. This shall not be construed to prohibit the re-lettering or repainting of a sign or a billboard.

5.8. EXISTING PLATTED LOTS

Any lot platted or created prior to effective date of this Ordinance that fails to comply with the minimum requirements of its zone district may be used in the following manner.

- 1) A lot in single ownership at the effective date of this Ordinance which contains less than eighty (80) percent of the zone district width and area requirement and is not adjacent to lots owned by the same person, family, partnership or corporation may be sold and/or utilized for a single family dwelling.
- 2) Any lot which meets eighty (80) percent or more of the zone district width and area requirements may be sold and/or utilized as a separate lot whether in single ownership or not; provided, however, that the front yard must conform to the requirements of the zone district in which said lot is located. Any lot facing upon a major street or highway must conform to provisions of Section 4.8.
- 3) Two (2) or more adjacent lots containing less than eighty (80) percent of the zone district requirements and owned by the same person, family, partnership or corporation, at the effective date of this Ordinance, shall be re-divided to meet at least eighty (80) percent of the use or re-division of less than four (4) such lots in conformity with established character of existing adjoining homes.

5.9. NON-CONFORMING USES ACQUIRED

The City of Grant through its Grant City Commission may acquire a non-conforming use through purchase or condemnation. Purchase cost may be assessed to a special assessment district.

**6. ARTICLE VI - PARKING AND LOADING SPACES**

**6.1. RESIDENTIAL OFF-STREET PARKING**

Provision shall be made for at least one (1) garage space or off street parking space with a durable surface for each new dwelling unit. Multiple dwelling structures shall provide one and one-half (1 1/2) off street parking spaces with a durable surface for each dwelling unit. Parking in residential zones is only permitted as an accessory use or as a transitional use as defined in Section 11.3.

**6.2. NON-RESIDENTIAL OFF-STREET PARKING**

Provisions shall be made for one (1) square foot of total parking area for each square foot of floor area for all new non-residential buildings or additions to such buildings on all districts. The conversion of an existing residence to another use shall be deemed to be a new use which must meet all provisions of this Article.

**6.3. MIXED OCCUPANCIES AND USES NOT SPECIFIED**

In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Collective provisions for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theatres or other uses in which the primary parking demand occurs out of normal work and business hours may be jointly used where adequate arrangements are made by the Board to insure that adequate space is available for each function.

**6.4. SIZE AND ACCESS**

Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be minimum of nine (9) feet in width. There shall be adequate provision for ingress and egress to all parking spaces. No access or egress to a parking area accessory to a commercial or industrial use shall utilize any residential street unless it is a side street with no residential lots facing upon it.

**6.5. UNITS OF MEASUREMENTS**

For the purpose of this section, "floor Area" shall mean the gross floor area of all floors of a building or an addition to an existing building excluding basements and those areas used exclusively for storage of goods or supplies. The total parking area excludes access drives within the parking area.

**6.6. LOCATION OF OFF-STREET PARKING FACILITIES**

Required off-street parking facilities shall be located on the same lot as a principal use in residential and agricultural zones. In commercial and industrial districts additional off-street parking is permitted as a principal use on a separate lot.

6.7. COMMUNITY PARKING

The provisions of this Article may be met by financial participation in a municipal or community parking program designed to serve a larger area and approved by the Grant City Planning Commission and the City Commission.

6.8. STANDARDS FOR PARKING AREAS IN NON-RESIDENTIAL ZONES

Every parcel of land hereafter established as a parking area in a non-residential zone shall be developed and maintained in accordance with the following requirements:

- 1) Parking areas shall be effectively screened on any side which adjoins premises situated in a residential zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid, uniformly painted fence or wall. No part of any parking area or access drive shall be closer than five feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than twenty (20) feet nor closer twenty-five (25) feet to any residentially zoned lot or intersecting street right-of-way lines.
- 2) Every parking area shall be surfaced with an asphalt or similar durable surface approved by the Grant City Planning Commission, provided, however, that where access to the parking area is from an unpaved roadway, durable dustless surface may be permitted. Adequate lighting shall be provided to protect the user of the parking area. Such lighting shall be arranged to reflect the light away from any adjoining residential building or streets. All drainage and surfacing plans shall be approved by the Grant City Planning Commission.
- 3) The parking area, driveways, signs, lighting and landscaping shall be reviewed and approved by the Grant City Planning Commission and the Grant City Commission, prior to issuance of a building permit, to insure its adequacy in relation to traffic safety and protection of adjacent property.

6.9. PARKING AREAS IN RESIDENTIAL ZONES

Any person desiring to establish a parking area as an accessory use or a transitional use on a residential zone other than for a one-family structure or a farm use, shall submit to the Grant City Planning Commission and the Grant City Commission for review and approval, plans showing the size, design, landscaping, curb cuts and other features of the parking lot. Such parking areas may be authorized subject to the following conditions:

- 1) All parking areas shall be landscaped, screened, surfaced, drained as provided in Section 6.8; no part of a parking area shall extend into the required front yard. All areas not occupied by the parking area or access drive shall be landscaped.
- 2) All parking areas shall be used solely for parking of passenger automobiles, and no commercial work, sales or service of any kind shall be conducted thereon. No sign, other than entrance, exit and condition of use signs, shall be maintained and that aggregate area of all such signs shall not exceed twelve (12) square feet.

- 3) Each entrance to and exit from a parking area shall be at least ten (10) feet distant from any adjacent property located in any residential zone and shall not be wider than twenty (20) feet. The Grant City Planning Commission and the Grant City Commission shall ascertain that the proposed parking area is safely related to traffic, street intersections, buildings and pedestrian walkways and that surrounding properties are fully protected from detrimental effects.
- 4) The Building Inspector shall issue a use permit upon receipt of the approved plan. The permit may be revoked at any time that the aforementioned requirements or the approved plan are not complied with.

6.10. REQUIRED OFF-STREET LOADING AND UNLOADING SPACE

In all districts every building erected which is to be occupied by manufacturing, storage, retail store, wholesale store, warehouse, market, hotel, hospital, mortuary, laundry or use similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain on the same premises off-street loading space. Each loading space shall be at least twelve (12) feet in width, twenty-two (22) feet in length and have a clearance of fourteen (14) feet above grade. Such space may occupy all or any part of the required side or rear yard but shall comply with the provisions of Sections 6.8 and 6.9.

6.11. PARKING VARIATION

Where it can be demonstrated that the parking requirements of this Article would provide an excessive amount of parking area for the needs of a particular use, a plot plan with lesser area may be approved and permitted provided all the following conditions are present:

- 1) Said use does not provide services to the general public.
- 2) The maximum number of employees and visitors during any one eight hour period can be demonstrated to be less than the parking space requirements this Ordinance provides for.
- 3) An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made part of the site plan.
- 4) An open landscaped area meeting the required area of this Section is shown reserved for future parking.
- 5) Said plot plan approved of lesser requirements shall be valid only for stated use. An Occupancy Permit for a new use shall not be issued unless a new plot plan is reviewed and parking arrangements are found to be in accordance with the requirements of this Ordinance.

6.12. BUILDING ADDITIONS

Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to meet the requirements of this Article.

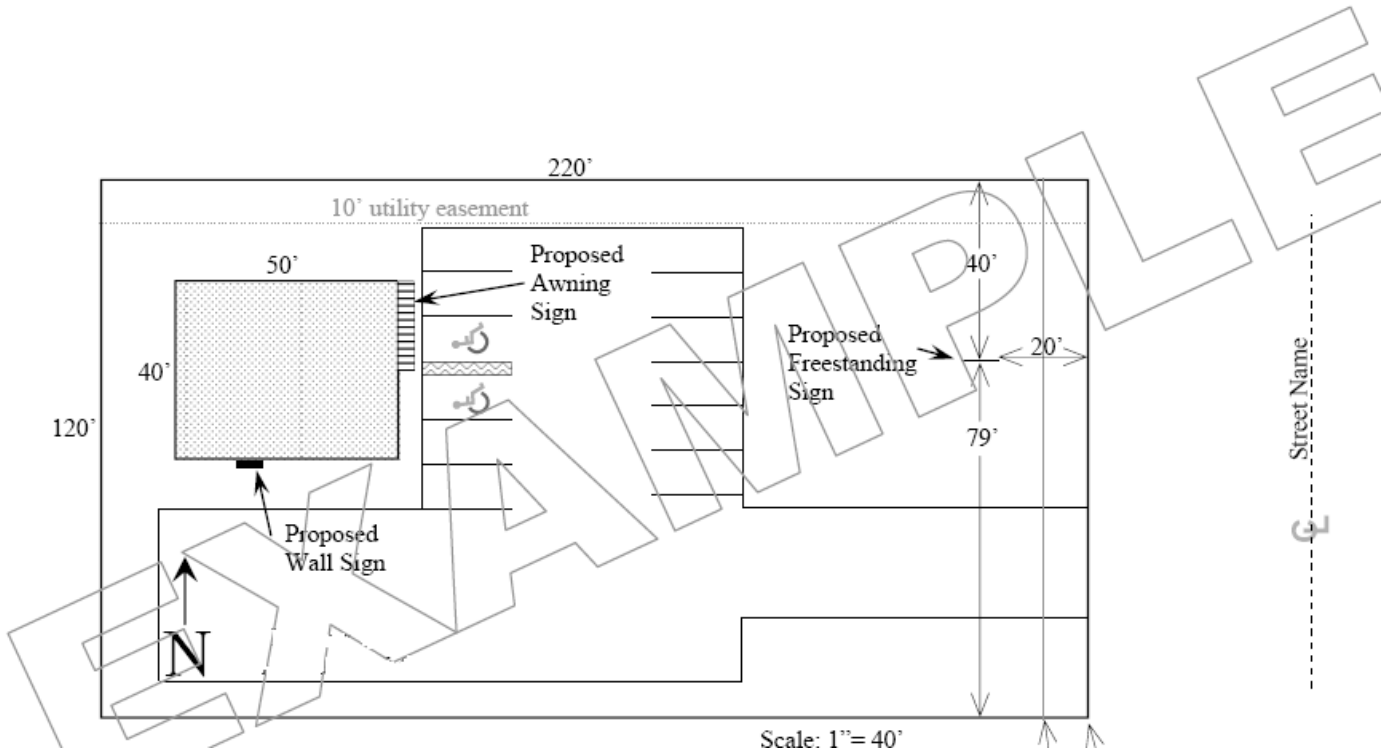
6.13. PERMITS (**Amended Ord. 27-2, 2010**)

No parking area may be constructed, enlarged or altered before a Building Permit/Zoning Compliance Permit is obtained. Said permit shall not be issued until the site development plan has been approved by Administrative Staff if conforming to the code or the Grant City Planning Commission and the Grant City Commission if conforming to the code is questioned by the Administrative Staff. Site plan review procedure is specified in Article XVI. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for a parking area whenever the requirements of an approved site plan, this Ordinance or any special requirements are not being met. Use of the parking area shall cease within sixty (60) days after revocation of an Occupancy Permit.

7. ARTICLE VII – SIGNS (Amended Ord. 27-2, 2010)

**Example Plans: Business Signs**  
(Not For Construction)

**Site Plan**



7.1. SIGN IN THE ONE FAMILY DISTRICT

In the RR and R-80 Districts the following signs shall be permitted:

- 1) One non-illuminated professional or nameplate sign not more than 144 square inches in area.
- 2) One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed eight (8) square feet in total area.
- 3) One subdivision sign in subdivision developments as permitted in Section 4.13.
- 4) A sign or signs aggregating not more than twelve (12) square feet for parking uses permitted by Section 6.9 or which are deemed necessary to the public welfare by the City Commission.

- 5) A sign of not more than twelve (12) square feet advertising the name and activities of a permitted non-residential use.
- 6) Customary farm and farm crop signs on active farms.
- 7) None of the signs permitted in the Residential Districts shall be erected nearer any street or road than half the setback required for the principal building to be erected on said lot, provided that a nameplate or mailbox sign not more than 72 square inches in area may be placed anywhere within the front yard.
- 8) Signboards and billboards in the RR District. For the convenience of the traveling public and the preservation of values in community business areas, local service billboards are permitted on any road in the RR Agricultural District within the boundaries of the city subject to the following provisions:
  - A) The billboards must serve to identify the City of Grant or advertise a City of Grant business.
  - B) The billboard shall not exceed 120 square feet in area.
  - C) The billboard shall not be nearer than 330 feet to any road intersection, any other billboard or any residential building.

7.2. SIGN IN THE RA MULTIPLE FAMILY DISTRICT

In the RA District the provisions of Section 7.1 shall apply, except that the professional sign or nameplate, as regulated above, may be increased to a total area of four square feet.

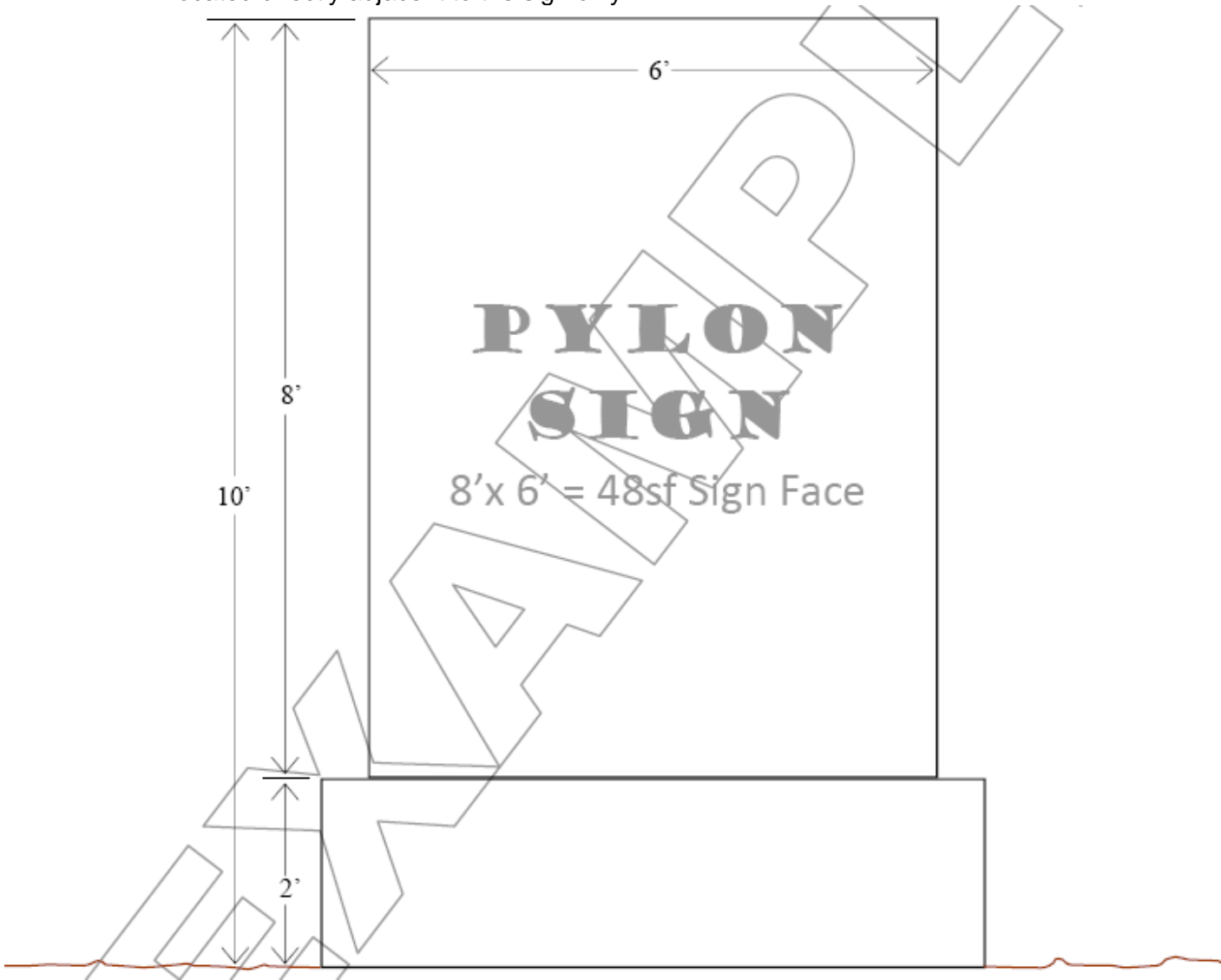
7.3. SIGN IN THE BUSINESS DISTRICT

In the BC District, no sign shall be permitted which is not accessory to the business conducted on the property. Such sign may only be erected, painted or placed on any exterior wall providing all of the following requirements are met:

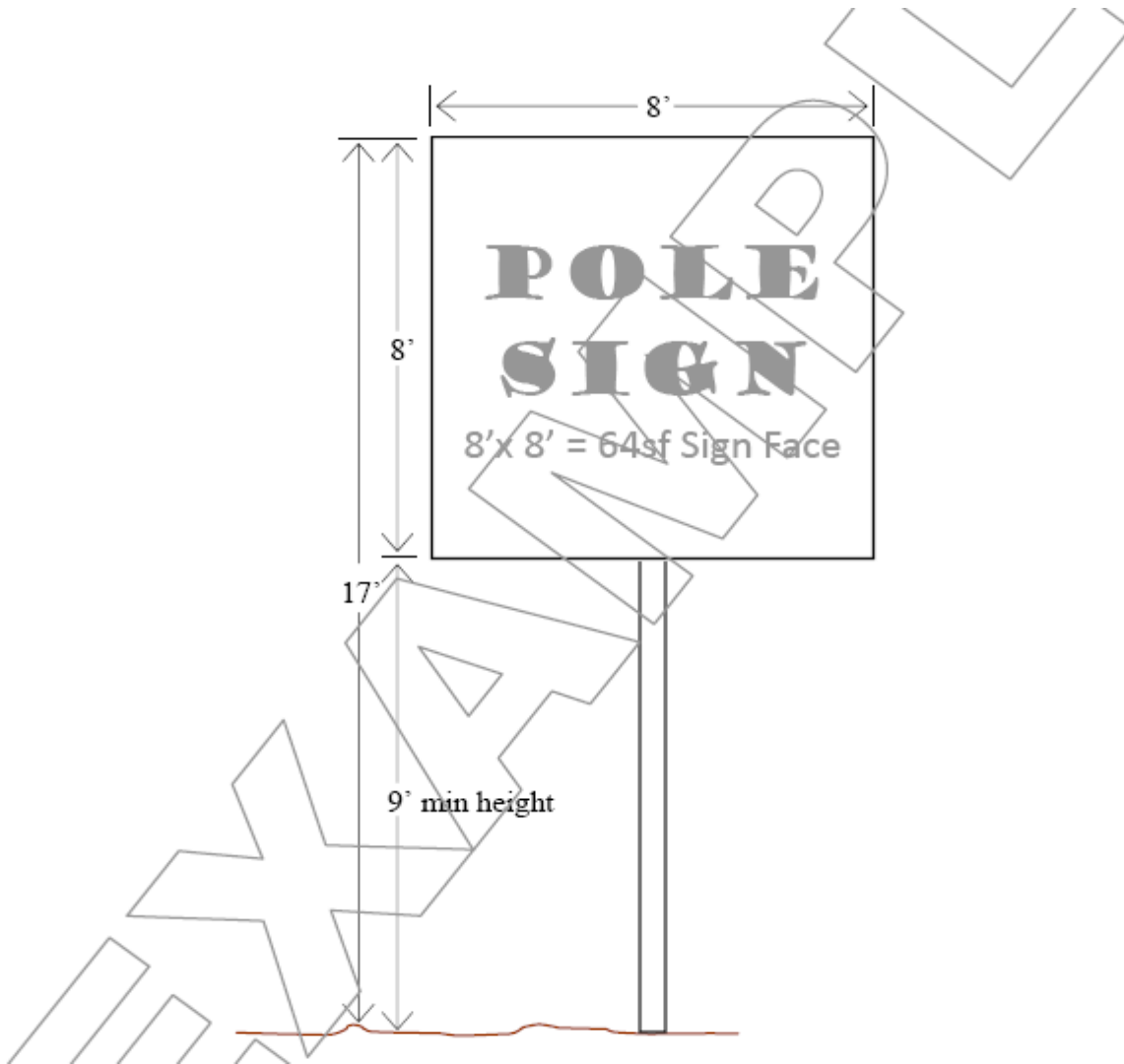
- 1) No business establishment shall have a total of more than three signs facing upon any one street, provided the total sign area for all signs permitted shall not exceed fifteen (15) percent of the area of the face of the building to which they are attached or stand in front of.



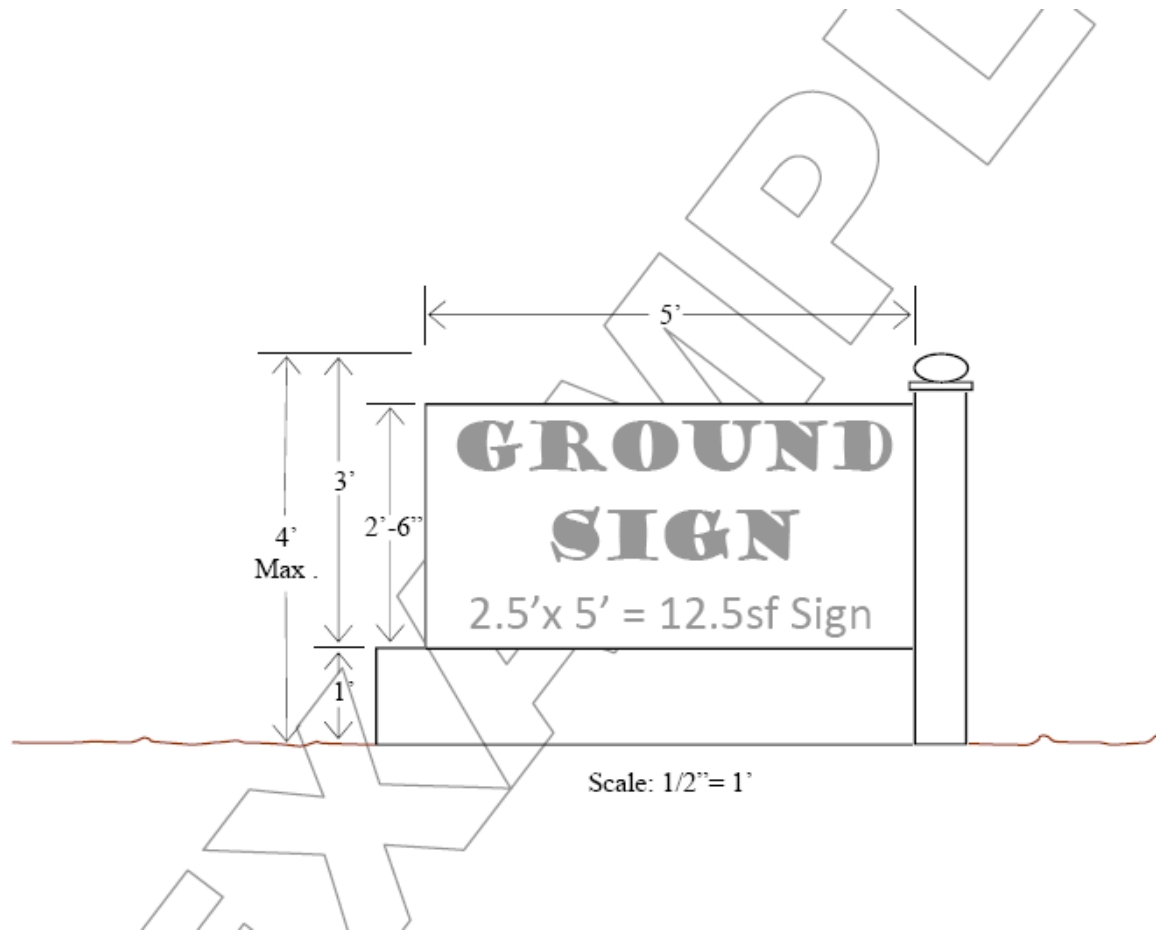
- 2) Pylon Signs: Pylon signs may have a sign face no larger than 8'x6'. They may be up to 10' tall when including a 2' foundation/base. Signs must not be located in any right-of-way and must be located in such a manner that does not impede the view of traffic. Multiple "sub" signs may be located on the sign face if multiple businesses are located directly adjacent to the sign only.



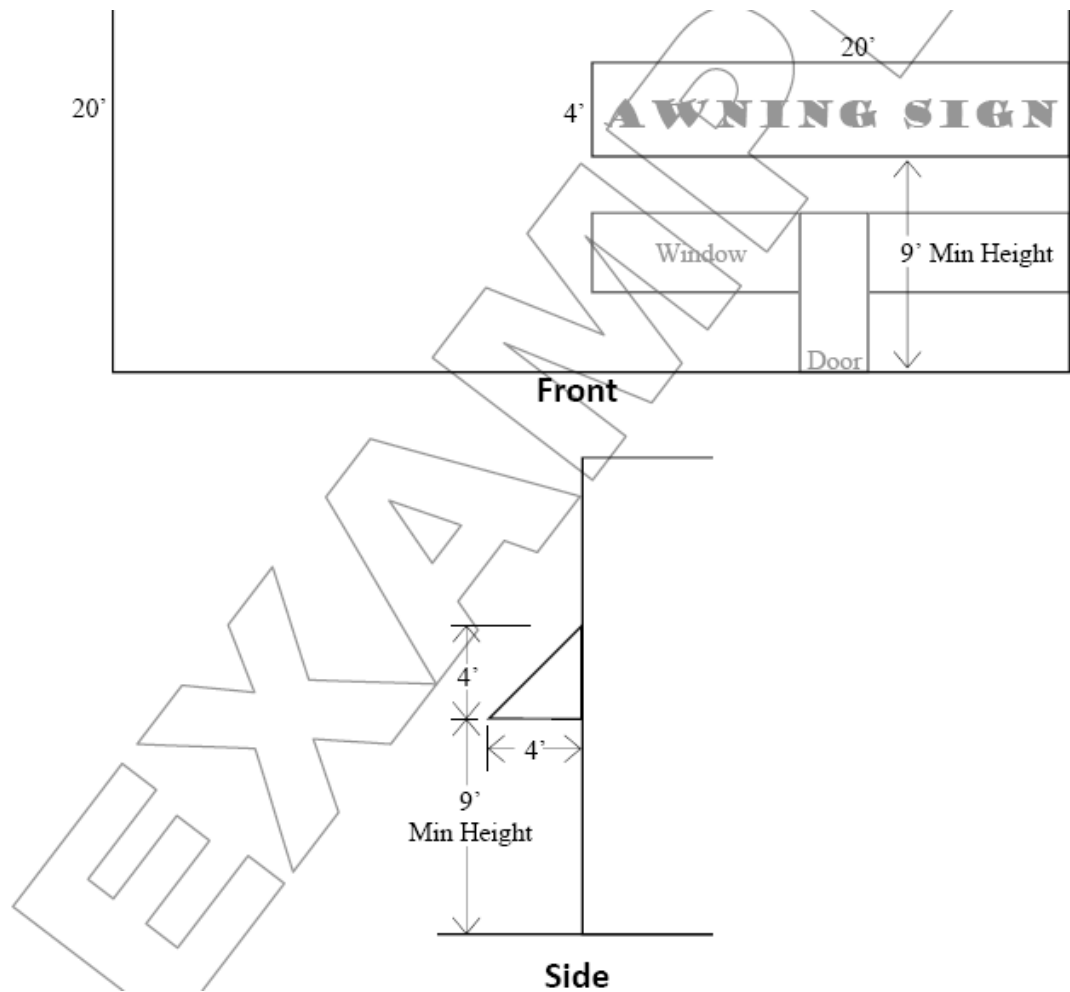
- 3) Pole Signs: Pole signs may have a sign face no larger than 8'x8'. They may be up to 17' tall with a 9' minimum height requirement.



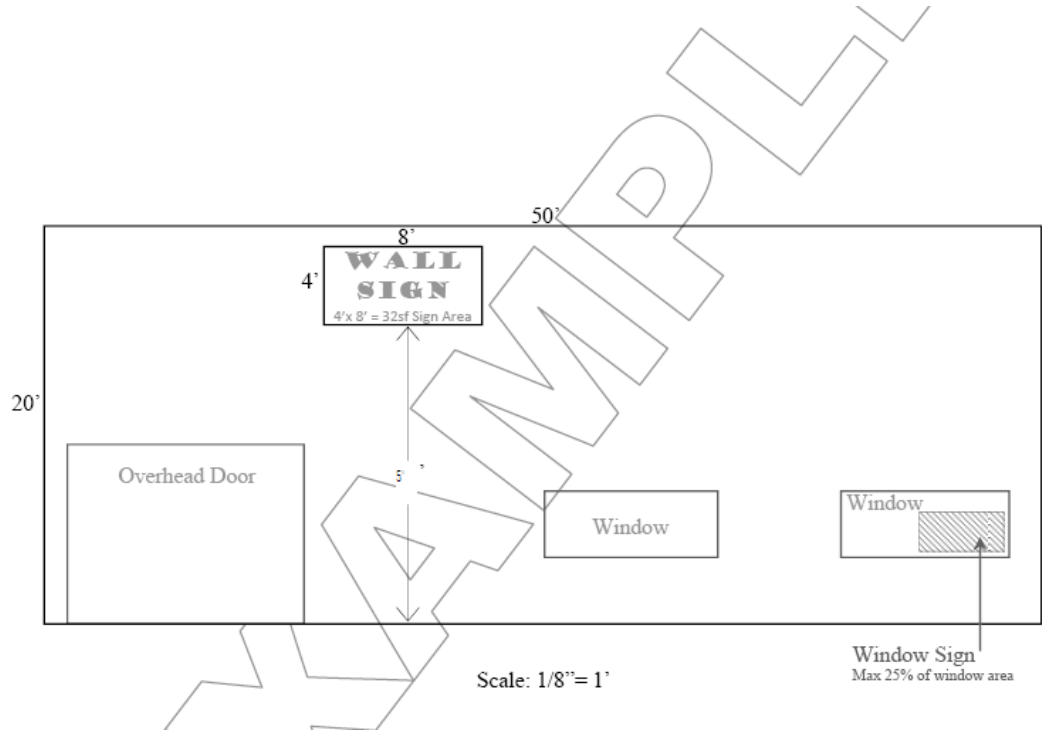
- 4) Ground Sign: Ground signs may have a sign face no larger than 2'6" x 5'. They may be up to 4' tall when including a 1' foundation/base. Signs must not be located in any right-of-way and must be located in such a manner that does not impede the view of traffic.



- 6) Awning Sign: Awning Signs may have a sign face no larger than 4'x20'. They must have a minimum height of 9' and may not protrude from the face of the building more than 4'.



- 7) Wall Sign: Wall signs may have a sign face no larger than 4'x8'. They must have a minimum height of 5'. Wall signs within windows must not take up more than 25% of the window area.



- i. No sign shall be lighted by flashing or intermittent illumination. Signs may have a light source, but the light source may only scroll or be stationary.
- ii. Gasoline service stations, automotive sales areas and automotive repair shops may display in addition to the foregoing signs, the following signs which are deemed customary and necessary to their respective business:
  - 1. Two temporary signs located inside the property line advertising special seasonal servicing, provided that each such sign does not exceed nine (9) square feet in area.
  - 2. Directional signs or lettering displayed over individual entrance doors or bays.
  - 3. Customary lettering insignias which are a structural part of a gasoline pump.
  - 4. A non-illuminated credit card sign
- iii. Signs or billboards are permitted on unoccupied lots providing they shall not exceed 300 square feet in area. No billboards shall be erected on a lot with less than 100 feet of frontage. The yard requirements for a principal building shall be met, and no other use or accessory use shall be permitted on a lot with a billboard.

7.4. SIGNS IN THE MANUFACTURING DISTRICT

In the M-2 District the following signs are permitted, provided that all of the following requirements are complied with:

- 1) Signs as regulated in Section 7.3 above.
- 2) Signboards or billboards as permitted in Section 7.3 above.

- 3) Directional signs designating entrances, exits, parking and loading areas, shipping docks or similar traffic control signs may be located within five (5) feet of the front property line.

7.5. PENNANTS, BANNERS, SANDWICH BOARD SIGNS

Temporary pennants, flags or banners and sandwich board signs may be permitted at any business for a period of one (1) year with a permit (annual permit) provided that they are kept in a state of good repair and that they do not obstruct visibility regarding traffic and may only be located on the businesses premises only. Charge for the permit will be determined by the City Commission and placed on the annual City of Grant Fee Rate Schedule.

7.6. Election signs subject to the following (**Amended Ord. 27-2, 2010**):

(a) Election signs shall not be erected more than forty-five (45) days prior to the election for which the sign pertains, and shall be removed within ten (10) days following that election.

(b) Election signs shall not be placed closer than one hundred (100) feet from any polling place entrance.

(c) Election signs shall not exceed twelve (12) square feet in surface display area per side of a two-sided sign.

(d) Election signs shall not be placed within any street right-of way or on City property.

(e) All election signs shall be not more than six (6) feet above the ground.

**8. ARTICLE VIII - MOBILE HOME DWELLINGS**

A mobile home or trailer, as defined by this Ordinance is a portable unit without a permanent foundation built to be towed on its own chassis, comprised of frame and wheels, designed to be connected to utilities at a site used for year-around living. A mobile home or trailer is not a dwelling unit as herein defined.

8.1. LOCATION

The use of trailers or mobile homes in the City of Grant shall only be permitted in licensed parks.

8.2. TRAVEL TRAILERS OR TRANSIENT TRAILERS

Nothing in this Article shall be construed as a restriction to prevent vacationer with trailers from occupying space in an approved travel trailer camp.

8.3. TRAVEL TRAILER CAMPS

Travel trailer camps may be permitted after Grant City Planning Commission and Grant City Commission review as a special land use under the provisions of Article XVI, provided that all State and County Health Department regulations of such facilities are met.



## 9. ARTICLE IX - M-2 INDUSTRIAL DISTRICT

### 9.1. PRIMARY INTENDED USE

This zone is intended primarily for industrial uses and processes of manufacture, fabrication and assembly, printing, equipment service, transportation, storage and warehousing, meeting the Performance Standards of Section 9.5. Accessory offices and retail sales connected with a permitted principal use, wholesale business, and farming are also permitted.

### 9.2. PERMITTED USES

- 1) Uses consistent with 9.1, Primary Intended Use.
- 2) Essential services in accordance with the provisions of Article XVI Site Plan Review.
- 3) Garages and service stations in accordance with the provisions of Article XVI, Site Plan Review.

### 9.3. PROHIBITED USES

No Building or premises in the M-2 District shall be used in whole or part for any of the following types of uses:

- 1) Residential construction, conversion or residential use of any kind except in existing farm dwellings
- 2) Schools, hospitals and other institutions for educational purposes or for human care, except when incidental to a permitted or principal use.
- 3) Unfenced junk or salvage yards and every use which does not or would not conform to the Performance Standards of this Section.
- 4) The following types of uses are specifically prohibited in the M-2 District:
  - A) The manufacture of glue or gelatin, acids, acetylene gas, celluloid or cellulose, pyroxilin plastics, chlorine or bleaching powder, creosote, explosives, fireworks or matches or fertilizer unless prior permission is given by the Grant City Commission (**Amended, Ordinance 27, 2009**).
  - B) The processing of fish or animal offal, of pulp into paper or cardboard, or the refining of potash.
  - C) Cement packaging, primary metal reduction or smelting, steel furnace, blooming, or rolling mill or uses creating a public nuisance.
  - D) The incineration or reduction of dead animals or offal.

The uses listed above in 9.3 (4) may be approved in the RR District subject to the provisions of Article XVI.

9.4. REQUIRED CONDITIONS

The following conditions are required:

- 1) Off-street parking shall be subject to site plan review per Article VI and XVI.
- 2) Signs and billboards shall meet the provisions of Section VII.
- 3) All operations shall be conducted wholly within the confines of a building, provided that the outdoor storage of coal, equipment and material may utilize required side yards and rear yard space if screened from any public street or residential zone by a uniformly painted or colored fence or wall at least six feet in height and at least fifty (50) percent solid, kept in good condition.

9.5. PERFORMANCE STANDARDS

Before the issuance of a Building of Occupancy Permit, the applicant shall sign an agreement that the use of the property will meet the following Performance Standards in subsequent operations will be corrected.

- 1) Fire and Explosion Hazards: All activities shall be carried on only in buildings conforming to Building Code and the operations shall be carried on in such a manner and with such precaution against fire and explosion hazards, as produce no explosion hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Every factory or manufacturing building shall be equipped with fire extinguishers approved by the Fire Chief as being sufficient in view of the nature and extent of the fire risk.
- 2) Atmospheric Pollution: There shall be no emission of smoke, atomic radiation, fumes, gas, dust, odors, or other atmospheric pollutant which will disseminate beyond the lot in such a manner as to create a public nuisance, cause damage or inconvenience to other buildings or properties or imperil the health of animals or humans.
- 3) Liquid or Solid Waste: No industrial operations shall directly discharge untreated industrial waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage and waste disposal shall conform to County and State Health Department regulations.
- 4) Vibration: There shall be no vibration which is discernible to the human sense of feeling beyond the lot lines of the property on which such use is conducted.
- 5) Noise: There shall be no noise emanating from the operation which will create a public nuisance or adversely affect surrounding areas.
- 6) Glare: There shall be no direct or sky-reflected glare which would be damaging to the human eye or cause a hazardous condition on a public street.

9.6. HEIGHT AND AREA

The following height and area regulation shall apply:

- 1) Height: No building shall exceed a height of forty (40) feet; unless accepted by Section 4.16.
- 2) Yard: Every permitted use shall provide rear and side yards of at least twenty (20) feet. Where a lot is bounded by a railroad no yard need be provided next to said railroad. A front yard of at least sixty (60) feet shall be provided and the setback line shall be established in accordance with the provisions of Section 4.8
- 3) Parking and Landscaping: Parking as regulated in Article VI is permitted in all yards. all unpaved areas of any yard shall be landscaped and regularly maintained unless a screened storage yard.
- 4) Screened Storage: Screened outdoor storage is permitted only in side rear yards and shall be no closer that ten (10) feet to any street right-of-way line, nor closer than sixty (60) feet to any property line.

**10. ARTICLE X - B-C COMMERCIAL DISTRICT**

**10.1. PERMITTED USES**

The B-C Business District is intended primarily for the shopping and merchandising activities of the City. The Following uses are permitted therein unless specifically prohibited.

- 1) Business sales and servicing including but not limited to the following types of uses: amusement establishment; appliance sales and repair; bakery; bank or financial establishment; cleaning, laundry or dyeing establishment; hotel or motel; ice plant; office; self-service laundry; studio or club; personal or professional service; printing; publishing; lithography or photography establishment; restaurant or drinking establishment; retail store and service.
- 2) Residential use of a building or a portion thereof, provided the building is of brick or other fire resistant material.
- 3) Accessory uses that are necessary and incidental to any principal use permitted by section 10.1 including necessary incidental manufacturing or processing when clearly accessory to a permitted use and the indoor storage of goods for sale.
- 4) Essential services in accordance with the provisions of Article XVI, Site Plan Review.
- 5) Garages and service stations in accordance with the provisions of Article XVI, Site Plan Review.

**10.2. PROHIBITED USES**

Within any Business District no building or premises shall be used in whole or in part for any of the following uses:

- 1) Manufacturing, processing, assembly or other industrial uses or storage except when permitted as an accessory use in Section 10.1 (3).
- 2) Any use not similar to the uses listed in Section 10.1.
- 3) Any use which may conceivably produce a hazard to life or property or adversely affect an adjacent conforming use.

**10.3. REQUIRED CONDITIONS**

The following conditions are required:

- 1) All business and services shall be conducted wholly within the confines of a building except for the sale of automotive fuels and services at service stations, the sale of produce and plants, automobile sales and machinery sales.
- 2) Off-street parking shall be subject to site plan review per Article VI and XVI.

- 3) Signs and billboards shall meet the provisions of Section VII.
- 4) Residential and institutional uses other than motels and hotels shall meet all lot area, yard and parking requirements of the RR Zone.

10.4. HEIGHT AND AREA

The following height and area regulations shall apply:

- 1) Height - No building shall exceed a height of thirty-five (35) feet without approval of the Planning Commission and City Commission. **(Amended Ord. 27-2, 2010)**
- 2) Front Yard - No front yard is required.
- 3) Side Yard - No side yard is required except that where a property abuts a residentially zoned lot, a ten (10) foot side yard shall be provided.
- 4) Rear Yard - A twenty-five (25) foot rear yard shall be required.

## 11. ARTICLE XI\* - GENERAL PROVISION FOR RESIDENTIAL DISTRICTS

### 11.1. HEIGHT AND AREA

Height and area regulations shall be as specified for each Residential Zone, provided that the following general regulations shall apply:

- 1) If forty (40) percent of the frontage on one side of a street in a block has been developed, the front yard so established shall prevail. This Section shall not be construed to require a front yard of more than thirty (30) feet.
- 2) No accessory building and no structure exceeding a height of thirty (30) inches shall be erected in any required front yard. Accessory buildings shall not exceed sixteen (16) feet in height, shall be at least ten (10) feet from any dwelling and at least five (5) feet from any other accessory building on the lot.
- 3) Accessory buildings in the rear yard are permitted three (3) feet from lot line.
- 4) Where a corner lot adjoins the side yard of any adjacent lot no part of an accessory building and no part of the main building within 25 feet of such common lot line shall be nearer the street than the full front yard required on the adjacent lot, and in either case the side yard requirements of the district shall be met along said common line.
- 5) Where a corner lot adjoins in the rear the rear of another corner lot, a detached accessory building may be erected three (3) feet from such common rear lot line provided the side street setback is maintained.

### 11.2. CONVERSION OF DWELLINGS

Where permitted, the conversion of an existing building so as to accommodate an increased number of dwelling units shall be limited to not more than four families, irrespective of the number of families permitted in new buildings.

### 11.3. TRANSITION ZONING

The following transitional uses are permitted on certain residentially zoned premises where the side yard adjoins a B-C, or M-2 District.

- 1) The first residentially zoned lot or lots in single ownership at the effective date of this Ordinance, or the first 150 feet thereof, whichever is the lesser, may be utilized in accordance with the next less restricted residential zone requirements.
- 2) The first 150 feet thereof may be utilized for off-street parking, subject to the provisions of Section 6.9.

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\* NOTE: Does not cover R-MH Mobile Home Park Residential District

- 3) Any single principal structure located or built completely upon the first 150 feet thereof may be used for a two family dwelling or professional offices provided:
  - A) Yards must meet the district requirements in which such lot is located.
  - B) The building shall conform to the residential character of the neighborhood.
  - C) Sign regulations of the R-A Apartment District shall be complied with.

#### 11.4. HOME OCCUPATION

Home occupations are permitted in any residential zone. A home occupation is any use which:

- 1) Is conducted entirely within a residential building without being evident in any way from the street or from any neighborhood premises.
- 2) Does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.
- 3) Is carried on only by the inhabitants of the building plus not more than one non-resident.
- 4) Employs only mechanical equipment which is similar in power and type usual for household purposes and hobbies.
- 5) Devote not more than fifty (50) percent of one story to such home occupation and does not involve keeping a stock in trade other than articles produces on the premises.

#### 11.5. PRIVATE SWIMMING POOLS

Private swimming pools are permitted in all districts, provided the following regulations are complied with:

- 1) The pool shall be maintained in a clean and healthful condition in accordance with County health requirements.
- 2) No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on adjacent land or street.
- 3) Every swimming pool shall be completely enclosed with a permanent substantial fence and gates at least five (5) feet in height above ground level or a temporary fence that is substantially durable enough to prohibit access to the pool. No opening shall be designed or maintained as to permit access to the pool except under the super vision of the possessor or by his permission. **(Amended Ord. 27-2, 2010)**
- 4) The swimming pool shall not be closer than ten (10) feet to any side or rear lot line and no part of any pool shall be constructed within the front yard or a required side street side yard.

**11.6. STORAGE (Amended Ord. 27-2, 2010)**

The storage and parking of trailers, trucks, vans or any type of mobile housing unit are prohibited in any front yard and required side yard or on any vacant lot. Storage of trailers, trucks, RV's, and boats may be permitted seasonally in driveways, provided they are in a good state of condition and are properly licensed. When not in season all said items must be stored in good repair in rear yards with screening deemed appropriate by Administrative staff.

**11.7. SEWER DISPOSAL**

Disposal systems or lagoons for large scale development of any kind are permitted in the R-R District when approved by the County Health Department provided that no lagoon or other treatment facility unless enclosed by a structure may be nearer than 1,000 feet to any adjoining street or property line.

**11.8. NON-RESIDENTIAL USES**

Public and institutional uses are permitted uses in the R-R, R-80, R-A residential zones subject to Site Plan Review, Section XVI. All such uses shall provide front, side and rear yards which are at least twice the height of the wall facing thereon, or the distance required by the zone district, whichever is the greater. Any such use which provides living quarters for more than ten (10) persons shall be located on a lot of at least one acre.



**12. ARTICLE XII - R-R AGRICULTURAL RESIDENTIAL DISTRICT**

**12.1. PERMITTED USES**

This district is intended primarily to conserve and project appropriate City of Grant lands for farming and agricultural uses. The following uses are permitted:

- 1) Agricultural and related uses as defined by the Ordinance.
- 2) Residences when secondary to the primary agricultural use of the site.
- 3) Accessory uses that are customarily incidental to any permitted principal use as long as such accessory uses do not create a nuisance which adversely affects a legal use of adjoining premises.
- 4) Greenhouses, nurseries and roadside stands for the display and sale of products grown on the property; provided; however, that off-street parking and access to such parking shall be provided on the property and no hazardous traffic condition shall result from such activity.
- 5) Sign as regulated in Section 7.1.
- 6) Temporary uses as permitted and regulated in Section 4.13.
- 7) Institutional, public uses and essential services in accordance with provisions of Article XVI Site Plan Review, provided that any building shall be located at least thirty (30) feet from any adjoining street, lot or property line.

**12.2. SPECIAL LAND USES**

- 1) Single family residential uses in accordance with the requirements with provisions of the R-80 Single Family Residence District and Special Land Uses allowed in R-80 District both in accordance with Article XVI.

**12.3. PROHIBITED USES**

Residential development is prohibited on any portion or portions of land in the RR District as long as agricultural uses are still occurring there.

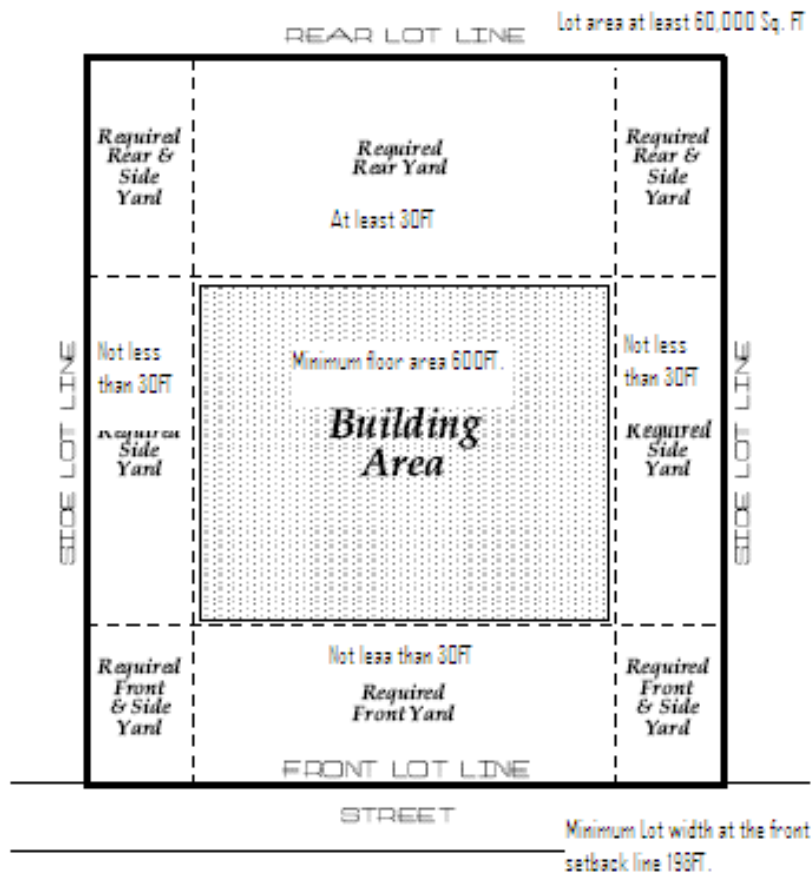
**12.4. HEIGHT AND AREA**

The following height and area regulations shall be complied with:

- 1) Height: No building shall exceed a maximum of two and one-half (2 1/2) stories or 35 feet in height, whichever is the lesser; provided that the height exceptions of Section 4.16 shall apply.
- 2) Front Yard: There shall be a front yard of not less than thirty (30) feet. The setback line shall be established in accordance with the provisions of Section 4.8.
- 3) Side Yard: There shall be two side yards and no side yard shall be less than thirty (30) feet.

- 4) Rear Yard: There shall be a rear yard of at least thirty (30) feet.
- 5) Lot Area: There shall be a lot area of at least 60,000 square feet.
- 6) Lot Width: The minimum width at the front setback line shall be 198 feet.
- 7) Permitted non-residential building shall meet the yard requirements of section 11.8.
- 8) Floor Area: There shall be a minimum floor area of 600 square feet. Dwellings having more than one story shall have a ground floor area of at least 600 square feet.

## **EXAMPLES OF YARD SETBACKS**



NOTE: Not to Scale

**13. ARTICLE XIII - R-MH MOBILE HOME PARK RESIDENTIAL DISTRICT**

**13.1. PERMITTED USES**

This district is intended to provide for the location and development of mobile home parks, specifying those standards that will insure the maintenance of such facilities and preserve a good quality of life within the mobile home park and on adjacent properties.

- 1) Mobile home parks and accessory building and uses including residences for the mobile home park owner and family subject to the Site Plan Review Requirements of Article XVI<sup>†</sup>

**13.2. REGULATIONS**

- 1) Accountability - Any mobile home park shall conform to all requirements imposed by Act 243 of the Michigan Public Acts of 1959, and amendments thereto, except in such a case where the provisions of this Ordinance specify more restrictive conditions and limitations. In such case, the provisions of this Ordinance shall govern.
- 2) Periodic Inspections - The Newaygo Building Inspector or other agent authorized by the Grant City Commission are granted the power and authorized to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision or provisions of this or any other township ordinance applicable to the conduct and operation of mobile home parks.
- 3) Revocation of Permits - In the event a mobile home park shall violate any of the regulations of the ordinance or any other city ordinance applicable to the conduct and operations of a mobile home park, and after being given a reasonable period of time to correct any such violation, he shall be ordered to show cause before the Grant City Commission at any open public meeting why his permit shall not be revoked, and if it shall appear that the proprietor has violated any of the provisions of the city park, his permit shall be revoked and he shall cease to operate, or a civil penalty of not to exceed one hundred (\$100.00) dollars per day of violation will be imposed.
- 4) Mobile Home Usage - Each mobile home within a mobile home park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
- 5) Requirements for Accessory Uses
  - A) Accessory buildings or structures under park management supervision, shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage, or other necessary service for park resident use only. No

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<sup>†</sup> According to Michigan P.A. 419 of 1976, the State's Mobile Home Commission must review and approve any standard in a local mobile home ordinance stricter than the State's code before the local government can adopt it.

accessory building or structures shall exceed twenty-five (25) feet in height; nor two (2) stories; except community television antennas; and shall meet the requirements of other applicable codes and ordinances.

- B) A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park.
  - C) One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts, nor stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet.
  - D) No more than one (1) entry and one (1) exit sign at each access drive onto the public right -of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.
  - E) Not more than one (1) sign at a local intersection of such park which identifies the local street by name, the sign approval of the mobile home park. In no case shall the sign be larger than one (1) square foot in surface area per local street name, nor stand higher than seven (7) feet from the ground to the top of the sign.
- 6) Minimum Mobile Home Park Area - The land area of a mobile home park shall not be less than ten (10) acres.
  - 7) Isolation of Park - Each boundary of a mobile home park must be at least two hundred (200) feet from any permanent residential building located outside the park, unless separated by a natural or artificial barrier, or unless a majority of owners of such properties within two hundred (200) feet thereof consent in writing to the establishment of the park. An acceptable barrier would be a buffer of trees and shrubs not less than twenty (20) feet in depth to be located and maintained along area boundaries of the park.
  - 8) Lot Area Requirements - Mobile home sites shall be at least five thousand (5,000) square feet in area.
  - 9) Yard Dimensions - Each Mobile Home site shall have side yards with each yard having a width of not less than fifteen (15) feet and the aggregate width of both said yards not less than forty (40) feet. Each mobile home site shall have a front and rear yard not less than ten (10) feet in width and the aggregate width of both said yards not less than thirty (30) feet. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, carports and individual storage facilities shall be disregarded in determining yard width. Enclosed all-weather patios shall be included in

determining yard width. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.

- 10) Occupancy - A mobile home shall not be permitted to occupy single or multiple site if either its length or width would cause it to occupy the space required by setback dimensions.
- 11) Isolation of Pads - From all pads, following minimum distance shall be maintained - fifty (50) feet to the boundary of such park which is not a public street or highway; fifteen (15) feet to any collector street of such park (parking bay, local drive, or central parking drive that is not a collector system). A park collector street is a roadway which carries traffic from local park street, drives and parking areas to public street(s) outside the park - eight (8) feet to any common walkway or local drive of such park; fifty (50) feet to any parking area signed for general parking in such park ( general parking defines parking bays for other than park residents ); fifty (50) feet to any service building in such park.
- 12) Provision of Utilities and Services
  - A) Sewer - All mobile home within a mobile home park shall be suitably connected to a common sewer service provided at each mobile home site. The mobile home park shall connect to a public sewer system where a public sewer system is available and accessible. Where no public sewer system is available and accessible, devices for collection, treatment and disposal of sewage satisfactory to the Michigan Department of Public Health shall be provided. If no practicable way can be found by which proper waste disposal is assured, no permit shall be issued.
  - B) Water - All mobile homes within a mobile home park shall be suitable connected to common water service provided at each mobile home site. Running water from a state tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home.
  - C) Electric, television and cable T.V. - An electric outlet supplying at least 110/220 volts shall be provided for each mobile home space. All electric, telephone and other lines from supply poles outside the park or other sources to each mobile home site shall be underground.
  - D) Fuel lines - All fuel lines leading to park and to mobile home sites shall be underground and so designed as to conform with the Newaygo County Building Code and any State Code that is found to be applicable.
  - E) Disposal of garbage and trash - All garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited. The method used for such remove shall be

approved by the State and inspected periodically by the Newaygo County Health Department

- F) Fire extinguishers - Fire extinguishers bearing the underwriter's label and of a type approved for such service by the Commissioner of State Police shall be placed and maintained at locations within two hundred (200) feet of each trailer site. Each fire extinguisher shall be periodically examined and kept at all times in a usable condition.
  - G) Laundry Facilities - On site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with outdoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of handling apparatus shall be allowed, with park management providing a concrete imbedded socket at each site.
- 13) Storm Drainage - Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in and adjacent to the park.
- 14) Building Specifications
- A) Support - Each mobile home site shall be provided with two (2) concrete ribbons two (2) feet wide, six (6) inches thick running approximately the full length of the mobile home. This pad will be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.

Each Mobile home shall be supported on uniform jacks or block. In addition, each mobile home shall have tie-downs or anchors securing both ends and sides.

Alternative pad and support mechanisms may be approved by the City of Grant Commission upon request if accompanied by sketches or other documentation.

- B) Patio - An all-weather hard surfaced outdoor patio area of not less than one hundred (100) square feet shall be provided at each mobile home site conveniently located to the entrance of the mobile home and, appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home.
- C) Canopies - Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the Newaygo County Building Inspector, before such enclosure can be used for living purposes.

- D) Skirting - Uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement; such skirting shall be of twenty-six (26) gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents.
  - E) Lots - Each mobile home site shall be grass covered or covered with macadam or other dust-free materials.
- 15) Storage - Storage of goods and articles out of doors at any mobile home site shall be prohibited.
- 16) Roadway and Turnarounds
- A) General Specifications - All roads, driveways, motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak load, and adequately drained and lighted for ease of movement of pedestrians and vehicles. All paving shall be completed within two (2) years from the commencement of construction.
  - B) Minimum Widths - Minimum widths of roadways shall be as follows:
 

MOTOR VEHICLE PARKING	TRAFFIC USE	MINIMUM PAVEMENT
Parking prohibited	2-way road	22 feet
Parallel parking - 1 side only	1-way road	22 feet
Parking prohibited	1-way road	22 feet
Parallel parking - 2 sides	1-way road	29 feet
Parallel parking - 2 sides	2-way road	40 feet
  - C) Turnarounds - When a cul-de-sac drive is provided, the radius of such roadway loop should be a minimum of fifty (50) feet, with the drive length a maximum of three hundred (300) feet.
- 17) Parking - Two (2) automobile parking spaces shall be provided within one hundred and fifty (150) feet of each mobile home site. Within such park there shall be provided additional automobile parking spaces not less than the number of mobile home sites within such park. Central storage of non-passenger type vehicles including trucks rated over 3/4 ton capacity and trailers shall be properly screened as not to be a nuisance, and such park central storage shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in the mobile home park. Each parking space shall have a minimum width of ten (10) feet and Twenty (20) feet in length.
- 18) Recreation Area - A recreation area of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile

home site served. Street sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area.

- 19) Animal Nuisance - No domestic animals shall be allowed to run at large or commit any nuisance within the limited of the mobile home park.
- 20) Maintenance - The management of every mobile home park shall assume full responsibility for maintaining on good repair and condition all safety and sanitary appliances within the park. All natural facilities and features shall be maintained in a neat, orderly manner.
- 21) Registration - Each mobile home park shall be provided with a custodian's office where each mobile home entering the park shall be assigned to a lot location, given a copy of the mobile home park rules and registered according to the prescribed form. Registration shall include the name of every occupant of the mobile home and the license number of the mobile home's accompanying vehicle and the state issuing license. The management shall keep a registry of all children of school age occupying mobile homes in the mobile home park. The registry shall be signed by an occupant of the mobile home, cognizant of all facts contained on the registration. Any person furnishing misinformation for purposes of registration shall be deemed to be guilty of a misdemeanor. The registration records shall be neatly and securely maintained, and no registration record shall be destroyed until six (6) years have elapsed following the date of registration. The registry shall be available at all times for inspection by law enforcement officers.



**14. ARTICLE XIV - R-80 SINGLE FAMILY RESIDENCE DISTRICT**

14.1. PERMITTED USES

This District is intended primarily for lands where urbanization has occurred, and where hookup to sewer and water utility services is required when available or when utility lines could be economically extended from present systems to serve development. Single family residences as well as complementary uses such as schools and parks are allowable uses in this District.

14.2. PROHIBITED USES

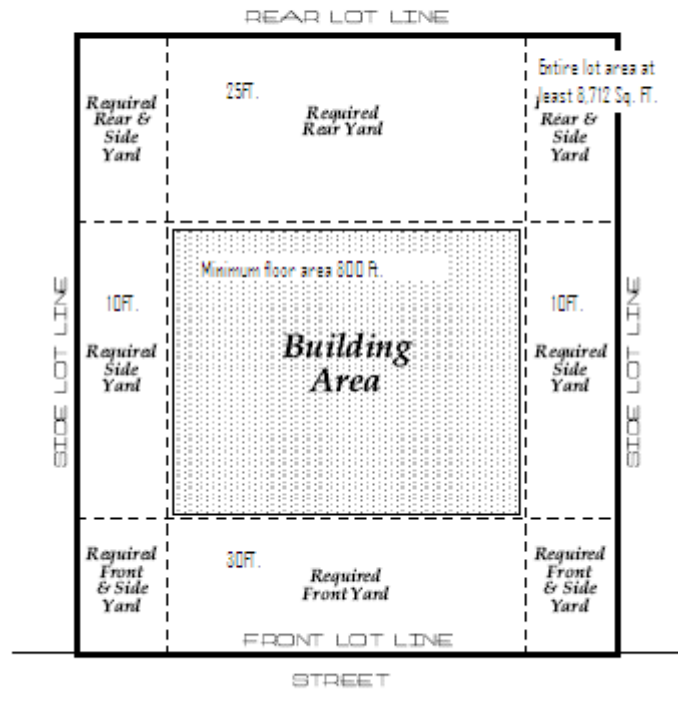
All uses prohibited in the R-R and Residential District are prohibited in the R-80 Single Family Residential District.

14.3. HEIGHT AND AREA

The following height and area regulations shall apply:

- 1) Height: No building shall exceed a minimum of two and one-half (2 1/2) stories or 35 feet in height, whichever is lesser.
- 2) Front Yard - There shall be a front yard of not less than thirty (30) feet and the setback line shall be established in accordance with the provisions of Section 4.8.
- 3) Side Yard - There shall be two (2) side yards totaling at least twenty (20) feet at the setback line and no side yard shall be less than eight (8) feet, provided that where a side lot line adjoins a side street a minimum side yard of fifteen (15) feet is required. All types of principal buildings other than residential shall be located at least twenty (20) feet from any adjoining street, lot or property line.
- 4) Rear Yard - There shall be a rear yard of at least twenty-five (25) feet.
- 5) Lot Area - There shall be a lot area of a at least 8,712 square feet.
- 6) Lot Width - The minimum lot width at the setback line shall be 66 feet.
- 7) Non-residential buildings shall meet the yard requirements of Section 11.8.
- 8) Floor Area - There shall be a minimum floor area of 800 square feet. Dwellings having more than one (1) story shall have a ground floor area of at least 500 square feet.

# EXAMPLES OF YARD SETBACKS



NOTE: Not to Scale

## 14.4. SPECIAL LAND USES

- 1) Special land uses as provided for in Article XVI.

**15. ARTICLE XV - R-A APARTMENT DISTRICT**

**15.1. PERMITTED USES**

The R-A Apartment District is designed to encourage apartment development in a safe, attractive environment. The following types of uses are permitted, provided all requirements of this Article are complied with:

- 1) The uses permitted in the R-80 District.
- 2) Two-family dwellings.
- 3) Adult Foster Care Family Homes, subject to State licensing regulations.
- 4) Apartment buildings of no more than eight (8) dwelling units; subject to the provisions of section 11.2 and subject to the Site Plan Review requirements of Article VI and XVI. Groups of apartments and condominiums in single ownership on one parcel of land are permitted.
- 5) Professional office buildings for organizations of persons offering medical, dental, realty, insurance, legal, data processing, clerical services and for institutional or organizational establishments subject to Site Plan Review Requirements of Article VI and XVI.

**15.2. SPECIAL LAND USES**

- 1) Adult Foster Care Group Homes as provided for in Article XVI.
- 2) Nursing Homes as provided for in Article XVI.
- 3) Special Land Uses as provided for in Article VI and XVI.

**15.3. PROHIBITED USES**

All uses are prohibited unless specifically permitted on Section 15.1 above. The use of trailers as dwellings is expressly prohibited. Multiple dwellings are prohibited on lots of less than 150 feet wide.

**15.4. REQUIRED CONDITIONS**

The following requirements shall be complied with:

- 1) Access: No principal building entrance shall be located more than 150 feet from a public street or an off-street parking area.
- 2) Group Dwellings: Where there is more than one apartment building located on a lot, no building shall be located in front of the main entrance wall of another unless separated by a common yard of at least fifty (50) feet nor shall any building be located in back of the rear entrance wall of another unless separated by a common yard of at least 100 feet. Every dwelling shall have a landscaped rear yard of at least

twenty-five (25) feet unobstructed by an accessory building, provided such space may be located across a driveway parking area. No group dwelling shall be located closer than a distance equal to its total height to any other building or to any lot line.

- 3) Every dwelling unit shall have public water and shall be connected to a public sewage disposal system, if available.

#### 15.5. HEIGHT AND AREA

The following height and area regulations shall apply:

- 1) Height: No building shall exceed a maximum of two and one-half (2 1/2) stories or 35 feet in height, whichever is lesser.
- 2) Front Yard: No building shall be located closer than twenty-five (25) feet to any street right of way. The setback line shall be established in accordance with the provisions of Section 4.8. Parking may be located in a front yard provided a yard of twenty-five (25) feet separates a building from the parking area.
- 3) Side Yard: For one-family dwellings, two-family and multi-family conversions, there shall be two side yards totaling at least fifteen (15) feet at the building line, and no side yard shall be less than six (6) feet, provided that where a side adjoins a side street a minimum yard of twelve (12) feet is required. For all other types of principal buildings, no building shall be located closer to any side lot line than a distance equal to its height.
- 4) Rear Yard: There shall be a rear yard of at least twenty-five (25) feet.
- 5) Lot Area: For one and two family dwellings there shall be a lot area at least 6,500 square feet. Multi-family or group dwellings require a lot area of 4,000 square feet per family.
- 6) Lot Width: The minimum lot width at the setback line shall be fifty (50) feet for one-family dwellings, sixty (60) feet for two-family dwellings, and 150 feet for all other permitted uses.
- 7) Non-residential building shall meet the yard requirements of Section 11.8.
- 8) Floor Area: There shall be a minimum floor area of 800 square feet for each single family dwelling. Two-family and multi-family structures shall have an average floor area of 600 square feet per dwelling unit.

**16. ARTICLE XVI - SPECIAL USES AND SITE PLAN REVIEW**

The formulation and enactment of this zoning ordinance is based upon the division of the City into districts each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in central district but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the City. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they can not be reasonably allowed as a permitted use with the advisability of such uses to be considered by the City on the basis of a submittal of a site plan and other required materials. Other uses which are considered acceptable for a particular zoning district may still require site plan approval if so specified in this ordinance in order to insure the compatibility of adjacent land uses.

**16.1. APPLICATION PROCEDURES**

An application for special use permit or for review of a required site plan to utilize land and/or modify existing structures or construct new structures shall be filed with the City Clerk accompanied by the necessary fees and documents as required by this Ordinance. The application which shall be filed in triplicate shall contain as a minimum the following:

- i. the name and address of the applicant
  - ii. the legal description of subject parcel of land
  - iii. the parcel's area
  - iv. present zoning classification
  - v. general description of proposed development
- 1) Site Plan Review - Applications for those uses which require site plan review as a requirement in the Permitted Use Category will be transmitted by the City Clerk to the Grant City Planning Commission for consideration at its next regular meeting, providing such application has been received by the clerk at least fifteen (15) days prior to the regular meeting of the Grant City Planning Commission. The City Planning Commission shall then act upon this Site Plan and accept, reject or conditionally accept depending on whether the Site Plan contains the information required by this Zoning Ordinance and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other applicable ordinances and State and Federal statutes.
  - 2) Special Land Uses
    - A) Notification - Applications for those uses fall into the special uses category will be transmitted by the City Clerk to the Grant City Planning Commission for consideration at its next regular meeting, providing such application has been received by the Clerk at least fifteen (15) days prior to the regular meeting of the Grant City Planning Commission. One notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the City and sent by mail or personal delivery to owners of

property for which approval is being considered, to all persons to whom real property is assessed within 150 feet. The notice shall be given not less than five nor more than fifteen (15) days before the date the application will be considered. The notice shall:

- i) Describe the nature of the Special land use request
  - ii) Indicate the property which is the subject of the special land use request
  - iii) State when and where the special land use request will be considered
  - iv) Indicate when and where written comments will be received concerning the request
  - v) Indicate that a public hearing on the special land use may be requested by any property owner or the occupant of any structure located within 150 feet of the boundary of the property being considered for a special use.
- B) Public Hearing - At the initiative of the Grant City Planning Commission or others as specified in the previous subsection, a public hearing shall be held before a special land use decision is made. Notification shall be made in a manner similar to that described in the previous subsection for a notice of request for special land use approval.<sup>‡</sup>
- C) Approval - The Grant City Planning Commission may deny, approve or approve with conditions the request for special land use approval subsequent to the Public Hearing. The application shall then be transmitted to the Grant City Commission for review and final decision. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision and any conditions imposed.<sup>§</sup>
- D) Conditional Approval - Conditioned approvals can be given by the City of Grant for the purpose of:
- i) Insuring that public services will accommodate increased loads, caused by the land use.
  - ii) Protecting the natural environment and conserving resources and energy.
  - iii) Insure compatibility of adjacent land uses, and
  - iv) Promoting beneficial uses of land.
- 3) Necessary Documents - The application shall be accompanied by three (3) copies of a site plan drawn to a scale of 1" = 50' or larger containing the following information:

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<sup>‡</sup> The amended Zoning Law also allows the City of Grant to set a policy to hold a public hearing on all special land use requests.

<sup>§</sup> The amended Zoning Law allows the Grant City Planning Commission and the Grant City Commission to make a final decision on special land uses.

- i) Site boundaries and dimensions
  - ii) Location of purposed structures on site and dimensions of said structures.
  - iii) Street entrances and exits, parking and other circulation features.
  - iv) General topography (2' intervals) of the site and all natural features on site.
  - v) Land uses adjacent to site within 150 feet.
  - vi) Proposed landscaping, screening, and walls.
  - vii) Proposed alterations of topography and drainage patterns.
  - viii) Proposed sewage disposal and water supply.
  - ix) Other information as may be required for a particular use as delineated in this section of the ordinance.
- 4) Necessary Fees - The application shall be accompanied by a fee set by the City Commission on the fee rate schedule to partially defray the expense of reports by engineers and other experts necessary to the Grant City Planning Commission in consideration of said application.

16.2. CRITERIA OF REVIEW

- 1) Site Plan Review
- A) Off-street parking (all zoning districts) - Site Plan must conform to the provisions and requirements of Article VI.
  - B) Mobile Home Parks (R-MH Districts) - Site Plan must conform to the provisions and requirements in Article XIII.
  - C) B-C District - Approval of Site Plan is contingent on the proposed development:
    - i) Providing convenient and safe automobile circulation and parking in relation to street, pedestrian walkways and adjoining properties or parking areas.
    - ii) Insuring adequate visual sight distances.
    - iii) Minimizing conflicts on traffic movements on public streets.
    - iv) Insuring the safety, convenience and well being of adjoining property owners.
- Additional requirements are specified for service stations, automobile repair shops, etc. per 16.2 (1f).
- D) R-A Apartment District - Approval of Site Plan shall be governed by adherence to the following standards:
    - i) The applicable requirements of the Zoning District shall be met.
    - ii) That in accordance with the provision of this Ordinance, the proposed buildings and structures shall be so situated as to minimum adverse effects thereupon owners and occupants of adjacent properties.

- iii) That in accordance with the provisions of this Ordinance, any adverse effects of the proposed development shall be minimized by required screening, fencing, landscaping, setbacks, building location, structures and entryways thereto.
  - iv) That in accordance with the provisions of this Ordinance, there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.
- E) Institutional Uses and Essential Services - Conditional on conformance with site plan review criteria of Section 16.2 - 1d and Article VI.
- F) Service stations, automobile repair shops, automotive sales areas (M-2 and B-C Districts) - Conditional on conformance with Site Plan Review criteria of Section 16.2 - 1d, Article VI and the following additional standards:
- i) That the proposed use shall not be detrimental to the health, safety and general welfare of the community or the land value of adjacent properties.
  - ii) That the proposed use is reasonably necessary for the convenience of the surrounding area.
  - iii) That the lot has a street frontage of at least 100 feet and an average depth of at least 100 feet.
  - iv) That the walls of any structure where oils, fuels, lubricants, gases or other flammable materials are used or stored are setback at least twenty (20) feet from every property line.
  - v) That all structures requiring the use or storage of fuels, gases or other highly flammable materials shall be at least 300 feet from any school, church, hospital, public building, theatre, or other building of public congregation, playground, fire house or other use similarly employing or storing such materials.

2) Special Land Uses

- A) Adult Foster Care Homes and Nursing Homes (Residential Zoning District) - Conditional on conformance with all State of Michigan standards governing the licensing of such facilities as well as the following:
- i) That the proposed use be generally compatible with the character of both the adjacent properties and the neighborhood.
  - ii) That the density of people occupying the proposed facility be compatible with neighborhood densities.
  - iii) That sufficient off-street parking be provided for staff people and visitors to the facility.
  - iv) That sufficient screening, fencing and landscaping be provided to prevent any adverse effects on adjacent properties.



- B) Planned Unit Development - According to the regulations of 4.21.
- C) Other Special Land Uses
  - i) Other special land uses covered in this section include the following and similar uses.
    - a) Cemeteries and mausoleums
    - b) Public and private airports
    - c) Country clubs and golf courses
    - d) Hunt clubs and golf courses
    - e) Amusement parks or race tracks
    - f) Outdoor theatres
    - g) Private or church sponsored camping areas
    - h) Community or community approved sanitary landfill areas
    - i) Travel trailer camps and motels (except in RR, R-80, RA Districts)
  - ii) Approval of such a use is conditional on conformance with the Site Plan Review Criteria Section 16.2 1d, Article VI and the following additional standards:
    - a) That the use is suitably located in relation to adjoining uses, the long range plan for the City of Grant and the community need which may be served by the purposed use.
    - b) That any use of a primarily commercial nature shall be adjacent to existing commercial or industrial land.
- D) Single family residential uses in accordance with the requirements of the R-80 Single Family Residence District and special land uses allowed in R-80 may be permitted on the RR Agricultural Residential District if agricultural uses have ceased on the parcel(s) of land in question. Special land uses allowed in R-80, however, are also subject to the other relevant conditions to get such special land uses approved.
- E) Prohibited Industrial Uses - In the M-2 District uses prohibited in Section 9.3 (5) may be permitted by the City Commission after public hearing, provided that the application shall be submitted to the Grant City Planning Commission for its approval before a public hearing is held.
  - i) In making its decision, the Planning Commission shall determine that the following conditions exist and will be maintained as well as those specified in 16.2 1d:
    - a) The location shall have the approval from the County Health Department and other public agencies charged with the protection of the general welfare and the resources of the County.

- b) the site shall not create a nuisance adversely affecting adjoining properties.
- ii) The Performance Standards of the M-2 Manufacturing District shall be met.

16.3. ALTERATIONS TO SITE PLAN AFTER APPROVAL

There shall be no alterations to the site plan after approval by the City. Any variance from the approved plan may be approved by the City when a application as provided in this Ordinance, is submitted as a new application and complies with the requirements and procedures as provided herein.

A reduction of requirements as they involve structures may be authorized by the Building Inspector, providing that such permission to change shall have been stated specifically by the City in the special permit.

16.4. BOND REQUIREMENT

A cash deposit, certified check, irrevocable bank letter of credit or surety bond may be required by the City to insure the complete construction of structures and the development of the land are as proposed and approved, and for which a building permit is required. Such bond may be up to an amount equal to the estimated cost of the site improvement, and may be reduced in proportion to the amount of work accomplished and accepted by the City of Grant.

**17. ARTICLE XVII - ADMINISTRATION AND ENFORCEMENT**

**17.1. ADMINISTRATION**

The City Manager shall designate a Building Inspector to act as its officer to effect proper administration of this Ordinance with terms of employment and rate of compensation established on accordance with the provisions of Act 184, P.A. 1943. For the purpose of this Ordinance, the Building Inspector shall have the power of a police officer.

**17.2. BUILDING PERMITS AND PLANS**

No building or part thereof shall hereafter be erected, moved, enlarged, or altered until a Building Permit has been granted by the Building Inspector. Application shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans, plot plan and such other information as may be necessary to provide for the enforcement of the ordinance. Plans shall be drawn to scale and shall show dimensions in figures, and in the case of multi-family, business, or industrial buildings by complete specifications. Building and plot plans shall be signed by the person preparing them and by the owner of the property or building involved.

No building Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All Building Permits shall expire One (1) year from their date of issuance. A copy of all approved Building Permits shall be sent to the Assessor.

**17.3. DUTIES OF THE BUILDING INSPECTOR (Amended Ord. 27-2, 2010)**

The Office of Building Inspector is hereby established. This Office may be contracted Office or employee. This Ordinance shall be enforced by the Building Inspector, who shall in no case issue any Building Permits nor grant any Certificate of Occupancy where the proposed building, alterations or use would be in violation of any provision of this Ordinance except under written order of the Board or Governing Body.

- 1) **Violations:** The Building Inspector shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall serve notice upon the person responsible for such violation indicating the nature of the violation and stating the action necessary to correct it. If said owner fails to act diligently to correct said violation after fourteen (14) days of notification, the Building Inspector shall serve notice upon the owner, notify the City Commission and prosecute a complaint to terminate said violation.
- 2) **Inspections:** The Building Inspector shall inspect all new construction or alterations at the time footings are placed, at the time basic walls are completed and at the completion of the construction or alterations authorized. He shall make such additional inspections he deems necessary to insure compliance with the provisions of this Ordinance. The Building Inspector shall make periodic inspections of the City to ascertain that the requirements of this Ordinance are being complied with.
- 3) **Records:** The Building Inspector shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees

submitted with applications. The same shall form a part of the records of his office and shall be readily available to the City Commission and all other officials if the City of Grant.

17.4. CERTIFICATE OF OCCUPANCY

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall be issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the City of Grant. Where any Special Use Conditions are applicable, said conditions shall be stated on the Certificate of Occupancy.

A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector. A copy shall be sent to the City Clerk and the Assessor.

17.5. VIOLATION AND PENALTY

Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance and fail to comply with any of the requirements thereof or who shall erect, alter, enlarge or move any building, or who shall put into use any lot in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than two hundred (\$200.00) dollars or to imprisonment of not more than ninety (90) days, or both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

The owner of any building or land where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and upon conviction thereof, shall each be liable to the fine or imprisonment, or both, specified in this Section.

**18. ARTICLE XVIII - BOARD OF APPEALS**

**18.1. MEMBERSHIP AND APPOINTMENT**

The City Commission of the City of Grant may act as a board of appeals (Board) upon questions arising under a zoning ordinance, and in acting as a board of appeals the legislative body may fix rules to govern its procedure sitting as board of appeals. If the legislative body of a city or village desires, it may appoint a Board consisting of not less than five members, each shall be appointed for a term of three years. appointments for the first year shall be for a period of one (1), two (2) and three (3) years, respectively, so as nearly as may be to provide for the appointment if an equal number each year, depending on the number of members, thereafter each member to hold office for the full three year term.

**18.2. GENERAL GRANT OF POWER**

The Board shall hear and decide appeals from review any order, requirements, decisions, or determination made by an administrative official or body charged with the enforcement of this Ordinance. The concurring vote of  $\frac{2}{3}$  of the members of the Board shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under this Ordinance, or to effect a variation on an ordinance. An appeal may be taken by a person aggrieved, or by an officer, department, board, or bureau of the City.

**18.3. APPEALS**

An appeal shall be taken within a time as shall be prescribed by the Board by general rule, by the filing with the officer or body from whom the appeal is taken and with the Board of a notice if appeal specifying the grounds for the appeal. The officer or body from whom the appeal is taken shall immediately transmit to the Board, all the papers constituting the record upon which the action appealed from was taken.

**18.4. HEARING AND DETERMINATION**

The Board shall fix a reasonable time for the hearing of he appeal and give due notice of the appeal to the persons to whom real property within 300 feet of the premises on question is assessed, and to the occupants of single and two-family dwellings within 300 feet, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. The Board of Appeals shall decide the appeal within a reasonable time. If the tenant's name is not known, the term occupant may be used. Upon the hearing, a party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken.

**18.5. VARIANCES**

Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board may in passing upon appeals vary or modify any of its rules, regulations, or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, building, or structures, so that the spirit of the ordinance shall be observed, public safety secured and substantial

justice done. Subject to the provisions of Section 18.6 of this Ordinance and in addition to other duties and powers specified herein, the Board, after public hearing shall have the power to decide applications for variances:

- 1) Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality on the carrying out of the provisions of this Ordinance, or
- 2) Where it is alleged that by reason of the exceptional; narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situations of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship; provided that the Board shall not grant a variance on a lot if the owner or members if his family own or owned adjacent land which could, without undue hardship, be included as part of the lot, or
- 3) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

#### 18.6. VARIANCES PROHIBITED

No variance in the provision or requirements of this Ordinance shall be authorized by the Board unless the Board finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or of the public health, safety and welfare, and further, that two of the following facts and conditions exist:

- 1) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties on the same zone.
- 2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties on the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.
- 3) That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

#### 18.7. DECISIONS

The Board shall render its decision upon a application within sixty (60) days after the hearing thereon and notify the applicant of its decision. Upon failure to do so, such application shall be deemed to be decided adversely to the applicant on the same manner as though the Board has rendered its decision to that effect.

**18.8. FEES (Repeal of Ordinance 27-1, Amended Ordinance 27-2, 2010)**

Upon filing of any appeal or application to the Board, the applicant shall pay the following fees to defray the cost of publishing notice of hearing and recording the matter:

For interpretations, rulings, temporary permits and yard variance	Fee rate schedule
For land use or non-conforming variance	Fee rate schedule
For all other variances and matters	Fee rate schedule
For decisions called for in this Ordinance	No fee
For special meetings of the Planning Commission requested by a builder or other person (In addition to all other fees)	Fee rate schedule

Said fee shall be paid to the City Clerk before any action is taken on said petition. Fees may be changed by the City Commission at any regular meeting, which change shall take effect thirty (30) days after publication of such change.

**18.9. TIME LIMIT**

If the variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months after the date variance is granted, and the structure or alteration shall be completed within twelve (12) months of said date.

The Board may, upon application stating the reasons thereto, extend either the three or the twelve (12) month periods, but if the Board finds no good cause for the failure to act or complete within such periods and if the Board further finds that conditions have altered or changed in the interval since the action was granted, the Board shall revoke or rescind its approval. Should the applicant fail to obtain the necessary permit or fail to commence work within such three (3) month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal and all permissions, variances, and permits shall be deemed automatically rescinded.

**18.10. CIRCUIT COURT APPEALS**

The decision of the Board shall be final. However, a person having an interest affected by the zoning ordinance may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record and decision of the board of Appeals to insure that the decision:

- 1) Complies with the constitution and laws of the state.
- 2) Is based upon proper procedure
- 3) Is supported by competent material and substantial evidence on the record.
- 4) Represents the reasonable exercise of discretion granted by law to the Board.

If the court finds the record of the Board of Appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Board of Appeals, the court shall order further proceedings before the Board on conditions which the court considers proper. The Board may modify its findings

and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decisions shall be filed with the court. As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the Board of Appeals.

18.11. MEETINGS

The business which the Board or City Commission acting as the Board perform shall be conducted at a public meeting of the Board or City Commission acting as the Board held in compliance with Act No. 267 of the Public Acts of 1976, being Section 15.261 and 15.275 of the Michigan Compiled Laws. Public notice of the time, date and place of the meeting shall be given in a manner required by Act 267 of the Public Acts of 1976.



**19. ARTICLE XIX - AMENDMENTS AND DISTRICT CHANGES**

19.1. INTENT

Amendments or supplements to this Ordinance may be made from time to time in the same manner as provided under State Statute for enactment of the original ordinance. As provided by Section r, Act 207 of Public Acts of 1921, as amended, notice(s) of a public hearing on a rezoning of a property or other amendment change shall be given by publication in a newspaper of general circulation in the City, the first to appear not less than fifteen (15) days prior to the date of such hearing. In addition, not less than fifteen (15) days notice of time and place of the hearing shall be given by mail to each electric, gas, pipeline, telephone and public utility company that registers its name and address with the City Planning Commission for the purpose of receiving such notice and to each railroad operating within the district or zone affected. The City Planning Commission shall also transmit a notice of the proposed rezoning personally or by mail to the owner of the property in question and to property owners and one and two family dwelling occupants within 300 feet not less than fifteen (15) days before the public hearing. An affidavit of mailing shall be maintained where relevant. Notices shall include the places and times at which text and tentative maps of the Ordinance may be examined and state the date, place, time and purpose of the public hearing. Any other public hearing held on an amendment proposal shall follow the notification procedure above.

19.2. PROCEDURE

The procedure for making amendments shall be as follows:

- 1) Each proposal not originated by the City Planning Commission shall be submitted to said Commission for its consideration and advice.
- 2) Following its deliberations, the proposal, including any changes thereto which the City Planning Commission deems advisable, shall be submitted to at least one public hearing as provided by Section 4, Act 207, Public Acts of 1921, as amended, and as specified on Section 19.1.
- 3) Immediately after the proposal has been acted on as described in (1) and (2) the City Planning Commission shall transmit a summary of comments received at the public hearing with the proposed amendment to the City Commission.
- 4) Adoption of the amendment must be by a majority of membership of the City Commission unless there is an abutter's challenge per Section 4, Act 207, Public Acts of 1921, as amended, in which case a  $\frac{2}{3}$  vote is required.
- 5) The amendment must be filed with the City Clerk and one notice of its adoption with complete text or summary of regulatory effect must be published within fifteen (15) days after adoption.

**20. ARTICLE XX - SEPARABILITY AND REPEALS**

20.1. SEPARABILITY

In case any Article, section or provision of this Ordinance shall be held invalid in any court, he same shall not affect any other Article, section or provision of this Ordinance, except so far as the Article, section or provision so declared invalid shall be inseparable from the remainder of any part thereof.

20.2. REPEALING CONFLICTING ORDINANCES

Any and all ordinances, or parts, thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, provided that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

20.3. EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be effective on February 3, 1981.

Amended version of this Ordinance is hereby declared to be effective on  
                    ,2010

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