

**ORDINANCE NO. 671-11-13**

Commissioner Anderson moved, supported by Commissioner Rothstein, the adoption of the following Ordinance.

**AN ORDINANCE AMENDING THE BIG RAPIDS ZONING ORDINANCE  
BY ADDING CONDITIONS FOR GROUP DAY CARE HOMES  
IN THE R-2 ZONING DISTRICT**

WHEREAS, the Zoning Ordinance lists Group Day Care Homes as a principal use in the R-2 zoning district, subject to the conditions in Section 11.1:8, but there is no Section 11.1:8, and there is no specified condition for the Group Day Care Homes in the Zoning Ordinance, and

WHEREAS, two conditions previously were stated in Section 11.1:8:

- (1) The group day care home is located a minimum of 500 feet from any other licensed group day care facility;
- (2) The minimum lot size of any group day care home shall be 10,500 square feet;  
and

WHEREAS, the Planning Commission considered the applicability of the two conditions to group day care homes in the R-2 zoning district, and after a public hearing on the matter recommended that the City Commission amend the Zoning Ordinance by adopting Section 11.1:8 to specify the two conditions imposed on group day care homes in the R-2 zoning district, and

NOW THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The Big Rapids Zoning Ordinance is amended by adopting and adding Section 11.1:8 which provides:

11.1:8 Group Day Care Home – A group day care home is permitted in the R-2 zone when the following conditions are met:

- (1) The group day care home is located a minimum of 500 feet from any other licensed group day care facility.
- (2) The minimum lot size of any group day care home shall be 10,500 sq. ft.

Section 2. The City Clerk is directed to publish this ordinance in The Pioneer.

Section 3. This ordinance shall be effective 20 days after publication.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 4, 2013

Published: November 7, 2013

## ORDINANCE NO. 678-8-14

Commissioner Rothstein moved, supported by Commissioner James, the adoption of the following Ordinance.

### **AN ORDINANCE AMENDING ARTICLE 2, SECTIONS 2.2:62 AND 4.1:22, OF THE ZONING ORDINANCE, WHICH DEFINE AND REGULATE THE PARKING, STORAGE AND USE OF MAJOR RECREATIONAL EQUIPMENT, AND AMENDING SECTIONS 98.01 AND 98.02 OF THE CITY CODE REGARDING THE USE OF TRAVEL TRAILERS**

WHEREAS, questions were raised about the meaning and application of sections 98.01 and 98.02 of the Big Rapids City Code regarding travel trailers, and the meaning and application of Sections 2.2:62 and 4.1:22 of the Big Rapids Zoning Ordinance regarding major recreational equipment, and

WHEREAS, the Planning Commission reviewed the specific sections of the City Code and Zoning Ordinance, conducted public hearings, and recommended several amendments, and

WHEREAS, City Staff recommends amending sections 2.2:62 and 4.1:22 of the Zoning ordinance and sections 98.01 and 98.02 of the City Code,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 2, Section 2.2:62 is amended to read as follows:

2.2:62 Major Recreational Equipment – Such equipment shall include travel trailers, pickup campers or coaches, motorized dwellings, recreational vehicles, tent trailers, landscape trailers, boats, boat trailers, personal water craft and similar equipment and equipment used for transporting recreational equipment, whether occupied by such equipment or not.

Section 2. Article 4, Section 4.1:22 is amended to read as follows:

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

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

1. The use of campers, camper trailers, recreational vehicles, and the like for living or sleeping purposes, either temporary or permanent, is prohibited.
2. Mobile home storage is prohibited in all residential districts except in a licensed mobile home park.

The parking or storing of major recreational equipment on a lawfully constructed driveway is permitted in all residential districts from April 1<sup>st</sup> to December 1<sup>st</sup>, but is prohibited in a required front or side street yard driveway from December 1<sup>st</sup> to April 1<sup>st</sup>.

The parking or storage of major recreational equipment over 20' in length and 6' in height must be set back at least 20 feet from the public sidewalks, or 20 feet from street curb or street edge on parcels without a sidewalk in the front or side street yard driveway.

All major recreational equipment that is parked or stored in a residential district shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding neighborhood, and must be registered or licensed and roadworthy.

No more than three pieces of major recreational equipment can be parked or stored outside of a garage on a parcel in all residential districts. Recreational vehicles mounted for legal transit on a trailer shall be considered as one piece of recreational equipment.

Section 3. Title 9, Chapter 90, Section 98.01 is amended to read as follows:

**98.01 DEFINITION**

Travel trailers, camp trailers or vehicles designed primarily for living or sleeping or used to carry units so designed with or without tents or tent trailers.

Section 4. Title 9, Chapter 90, Section 98.02 is amended to read as follows:

**98.02. OCCUPANCY UNLAWFUL**

It shall be unlawful for any person to occupy or allow any person to occupy any travel trailer within the City.

Section 5. This ordinance shall become effective 20 days after publication.

Section 6. The Clerk shall publish this ordinance in the Pioneer.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 18, 2014

Published: August 21, 2014

## ORDINANCE NO. 681-11-14

Commissioner Anderson moved, supported by Commissioner Rothstein, the adoption of the following Ordinance.

**AN ORDINANCE AMENDING SECTIONS 3.5:1, 3.6:1, 3.6:2, 3.6:6,  
AND 11.1:13 OF THE BIG RAPIDS ZONING ORDINANCE TO  
CLARIFY THAT MULTIPLE FAMILY DWELLINGS ARE NOT  
ALLOWED AS CONDITIONAL USES IN THE R-2 DISTRICT, AND  
THAT TWO OR MORE MULTIPLE FAMILY DWELLINGS ON A  
SINGLE LOT MAY BE ALLOWED AS CONDITIONAL USES IN THE  
R-3 DISTRICT**

WHEREAS, the Big Rapids Zoning Ordinance regulates multiple family dwellings in the R-2 and R-3 zoning districts, and

WHEREAS, section 3.5:1 says that "multiple family dwellings and services, facilities and uses incidental or accessory to multiple family dwellings are included as conditional uses," which City Staff and the Planning Commission recommend be deleted, and

WHEREAS, the text in sections 3.6:1, 3.6:2, 3.6:6, and 11.1:13 should be amended to clarify that two or more multiple family dwellings on a single lot can be allowed only as a conditional use in the R-3 district, and

WHEREAS, the Planning Commission conducted a public hearing on these zoning ordinance amendments on September 17, 2014, and no objection was made or noted, and

WHEREAS, the Planning Commission recommended that these zoning ordinance amendments be adopted by the City Commission,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 3.5:1 of the Big Rapids Zoning Ordinance is amended to read as follows, deleting the stricken sentence.

**3.5:1 Purpose:**

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

Section 2. Section 3.6:1 is amended to read as follows, with new text in bold print.

**3.6.1: Purpose:** The R-3 District is established to provide areas of higher density of residential development than is permitted in the R-1 and R-2 District. Regulations include uses permitted in the R-1 and R-2 districts plus a single multiple family dwelling

and office structures are permitted uses. Two (2) or more multiple-family dwellings are allowed as a Conditional Use. Services, facilities, and uses incidental or accessory to multiple-family dwellings are included. It is not intended to permit commercial, industrial or similar uses except as authorized by this Ordinance. In the R-3 Residential District no building or premises shall be used and no building shall be here after erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

Section 3. Section 3.6:2(2) is amended by adding a sentence in parentheses which appears in bold print.

3.6:2 Principal Uses and Structures:

(2) Multiple-family dwellings. (Two or more multiple family dwellings on a single lot are regulated as a Conditional Use in this District.)

Section 4. Section 3.6:6 is amended by deleting the existing text in subsection (7), and replacing it with the new text in bold print.

3.6:6 Conditional Uses:

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

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

Section 5. The first sentence of Section 11.1:13 is amended to read as follows, deleting "R-2" as a residential district in which two or more multiple family dwellings can be allowed on a single lot by conditional use permit.

§11.1:13 Multiple-family dwellings may be permitted in the R-3 Residential Districts as a Conditional Use under the following conditions:

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

Section 6. The City Clerk is directed to publish this ordinance in The Pioneer.

Section 7. This ordinance shall be effective 20 days after publication.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 3, 2014

Published: November 10, 2014