

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: BUILDING REGULATIONS

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§ 150.01 ADOPTION OF STATE CONSTRUCTION CODE.

From and after the effective date of Act 230 of Michigan Public Acts of 1972, the City adopts the State Construction Code Act and agrees to be bound by the provisions of the Act in the City. ('88 Code, Title VIII, Ch. 98, § 8.1) (Ord. 118, passed 10-21-74)

§ 150.02 ENFORCING AGENCY.

Pursuant to the provisions of Section 8b(7) of the State Construction Code Act of 1972, as amended, the City of Big Rapids hereby transfers responsibility for the administration and enforcement of its building code provision to the County of Mecosta. ('88 Code, Title VIII, Ch. 98, § 8.2) (Ord. 118, passed 10-21-74; Am. Ord. 522-9-03, passed 9-15-03)

CHAPTER 151: HOUSING REGULATIONS

Section

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GENERAL PROVISIONS

§ 151.01 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

The 2006 International Property Maintenance Code (IPMC), as modified, is hereby adopted by reference as if set out in full herein, effective 20 days after publication on August 28, 2007.

('88 Code, Title VIII, Ch. 99, § 8.21) (Ord. 131, passed 2-6-78; Am. Ord. 181-6-83, passed 6-6-83; Am. Ord. 419-4-97, passed - -97; Am. Ord. 585-08-07, passed 8-20-07) Penalty, see § 151.99

§ 151.02 PROPERTY ADDRESS NUMBERS.

(A) *Posting of building address numbers.* The owners of all buildings within the City shall cause the correct building address numbers to be placed on such buildings in the manner specified herein.

(B) *Applicability to existing displays.* Existing building address displays, whether displayed as text or numbers, shall be permitted if the display illustrates the correct property address number and is visible from the street.

(C) *Responsibility for assigning numbers.* New building and/or property address numbers shall be assigned by the Department of Neighborhood Services.

(D) *Numbering method.*

(1) New building address numbers shall fall into the range of block numbers as established and indicated on the City zoning map.

(2) The point of origin for numbering shall be the intersection of State and Maple Streets.

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(3) Along any street, numbering shall proceed by increments of four.

(4) Odd numbers shall be used on one side of a street while even numbers shall be used on the opposite side of the same street, and the odd/even pattern shall be consistent with the established pattern of the area.

(5) Fractional building address numbers, such as 232½, are prohibited.

(E) *Numbering multiple family dwelling.*

(1) A building containing two, three, or four residential units shall display numbers with alphabetical suffixes for each unit as specified by this section, for example, 342A, 342B, 342C, and 342D.

(2) A building containing more than four residential units shall display one number for the building. A placard indicating the addresses and/or apartment numbers of individual occupants of such a structure shall be posted in a common or public area of the structure.

(F) *Number place.*

(1) *Size and color.* Building address numbers shall not be less than three inches in height and shall be block letters of a color which contrasts with the immediate background on which they are mounted.

(2) *Placement.*

(a) Building address numbers on all structures shall be placed at, on, or as near as practical to the front door or directly over the garage door and shall be facing the street in such a position as to be readily visible from the street on which the building fronts.

(b) Numbers shall not be less than three feet from ground level.

(3) *Maintenance.* Building address numbers shall be maintained in a neat, attractive manner.

(4) *Enforcement.* It shall be the duty of the Department of Neighborhood Services to enforce this section. Existing structures will be required to be in compliance with this section within six months of the adoption of this section.

(Ord. 383-5-95, passed 5-1-95)

§ 151.03 FIRE EXTINGUISHERS.

(A) It shall be the responsibility of the owner of each new and existing rental unit within the City to install an ABC rated dry chemical fire extinguisher in the kitchen of each such rental unit. The extinguisher shall contain no less than 35 ounces of dry chemical and be maintained in working order. The landlord, within 72 hours of being notified, shall be responsible to refill or replace an extinguisher that has been emptied or is not functional for any reason.

(B) Extinguishers shall be installed a minimum of 42 inches and a maximum of 60 inches off the floor.

(C) No person shall tamper with or discharge an extinguisher placed in a rental unit under this section for any reason other than to extinguish a fire or for self protection.

(D) A person found in violation of this section shall be guilty of a municipal civil infraction. (Ord. 561-01-06, passed 1-3-06; Am. Ord. 564-02-06, passed 2-20-06) Penalty, see § 151.99

§ 151.04 HOUSING LAW ADOPTED.

(A) The Housing Law of Michigan, Act 167 of 1917, as amended, is adopted by reference for administration and enforcement by the City of Big Rapids, as authorized by MCL § 125.523.

(B) The City of Big Rapids shall be the enforcing agency within the City of Big Rapids of the Housing Law of Michigan, Act 167 of 1917, as amended, through the City departments and officers designated by the City Manager.

(C) Complete copies of the Housing Law of Michigan, Act 167 of 1917, as amended, can be reviewed and obtained in the office of the City Clerk, City Hall, 226 N. Michigan Avenue, Big Rapids, MI 49307, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. (Ord. 586-08-07, passed 8-20-07)

HOUSING MAINTENANCE CERTIFICATES

§ 151.15 MAINTENANCE CERTIFICATE REQUIRED.

(A) No person shall occupy a multiple family dwelling, rooming dwelling, boarding dwelling,

lodging dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless a current, unrevoked Housing Maintenance certificate has been issued by the Building Inspector, or his designee, for the specific named dwelling.

(B) No person shall operate or permit occupancy of a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless he holds a current, unrevoked Housing Maintenance Certificate issued by the Building Inspector, or his designee, in the person's name for the specific dwelling. ('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83) Penalty, see § 151.99

§ 151.16 BUILDING INSPECTOR TO ISSUE CERTIFICATE.

The Building Inspector or his designee is the duly appointed officer for the issuance of Housing Maintenance Certificates under this subchapter. ('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83)

§ 151.17 DWELLINGS TO CONFORM.

Housing Maintenance Certificates shall be issued only for dwellings which are in conformity to all the provisions which apply to the particular type of building sought to be licensed. ('88 Code, Title VIII, Ch. 99, § 8.31(2)) (Ord. 181-6-83, passed 6-6-83)

§ 151.18 TEMPORARY CERTIFICATES.

Nothing in this subchapter shall prevent the Building Inspector from issuing a Temporary Housing Maintenance Certificate for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months nor more than five days after the completion of the building or alteration, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this chapter. ('88 Code, Title VIII, Ch. 99, § 8.31(3)) (Ord. 181-6-83, passed 6-6-83)

§ 151.19 RECORD TO BE KEPT; COPIES.

A record of all Housing Maintenance Certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request, upon payment of any fee required, to any persons having a proprietary or tenancy interest in the property involved. Copies shall also be furnished upon payment of any fee required, to any person who is contemplating purchasing the property who presents a purchase agreement or option to purchase signed by him and the person having a proprietary interest in the property. ('88 Code, Title VIII, Ch. 99, § 8.31(4)) (Ord. 181-6-83, passed 6-6-83)

§ 151.20 APPLICATION FOR CERTIFICATE; RENEWAL.

(A) Application for Housing Maintenance Certificates shall be made by the owner, and Certificates shall be issued in the name of the applicant. ('88 Code, Title VIII, Ch. 99, § 8.31(6))

(B) Application for Housing Maintenance Certificates and for renewals of Housing Maintenance Certificates shall be made in writing to the Building Inspector on forms furnished by the Building Inspector and shall be accompanied by a fee as set forth in division (F) of this section paid as set forth in the rules and regulations made pursuant to this subchapter.

(C) Housing Maintenance Certificates and renewals of Housing Maintenance Certificates shall be issued if, after inspection, it is found that the dwelling is in accordance with all the provisions of this chapter. If the certificate is refused, the applicant for the certificate shall be notified in writing of the refusal and the cause thereof.

(D) Housing Maintenance Certificates shall be issued for a period of one year from its date of issuance unless sooner revoked, and may be renewed for successive periods of not to exceed one year, except the Building Inspector is authorized, on the first such certificate issued for a dwelling, to issue the certificate for a period longer than one year, but not longer than one year and nine months for the purpose of adjusting the time when such certificates expire and thus, adjusting the time when renewal of such certificates is likely to be requested. ('88 Code, Title VIII, Ch. 99, § 8.31(5))

(E) No Housing Maintenance Certificate shall be renewed unless an application therefor has been made within 30 days prior to the expiration of the present Housing Maintenance Certificate. If timely application is not made, a late fee will be paid as set forth in division (F) of this section.

('88 Code, Title VIII, Ch. 99, § 8.31(9))

(F) *Application fee.*

(1) The certificate fee which must accompany application for a Housing Maintenance Certificate is as follows:

	*Beginning 08-01-05	Beginning 08-01-07
Initial inspection		
First unit per		
building	\$30.00	\$40.00
Each additional		
unit per building	20.00	30.00
Reinspection of a unit	30.00	40.00

There will be no charge for the first reinspection if violations identified at the initial inspection have been corrected.

If however, violations have not been corrected, the property owner will be charged the reinspection fee listed above for the first reinspection visit.

If the remediation required at the first inspection remains uncorrected at the next reinspection, the reinspection fee will be charged at the onset of each subsequent reinspection visit to be required until the work is completed.

Cabins, hotels, and motels	\$60.00	\$70.00
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*Increase will begin with invoices/inspections due after August 1, which corresponds to the group 2 billing cycle.

(2) Late fees: applicants failing to file timely under the provisions of this section shall pay double the above fees after the due date.

('88 Code, Title VIII, Ch. 99, § 8.31(17))
(Ord. 181-6-83, passed 6-6-83; Am. Ord. 355-6-94, passed 6-6-94; Am. Ord. 546-05-05, passed 5-16-05)

§ 151.21 LOCAL CONTACT PERSON TO BE DESIGNATED.

(A) Applicants shall designate a local contact person upon whom service of notice under this subchapter and service of process for violation of this

code may be made in the absence of the owner. The owner must designate a local contact person with an office or residence in the City or within 10 miles of the corporate limits of the City. Such a designation shall be made in writing and shall accompany each application or renewal application for a Housing Maintenance Certificate. The violation of this subsection shall be a civil infraction, and shall be cause for revocation of a housing maintenance certificate.

(B) An owner of real property who designates a local contact person can be given notice and billing by the City via first class mail to the local contact person at the address specified in the designation, for:

- (1) real property taxes;
- (2) personal property taxes;
- (3) utility billings (water, sewer, sanitation);
- (4) property maintenance code violations;
- (5) building and fire code violations;
- (6) zoning ordinance violations;
- (7) nuisance and blight violations;
- (8) nuisance padlock incidents.

('88 Code, Title VIII, Ch. 99, § 8.31(7)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.22 TENANT TO ALLOW ENTRY OF INSPECTOR.

Every person holding a Housing and Maintenance Certificate shall provide in his lease with tenants or roomers, whether said lease is written or oral, a provision that the tenant or roomer will allow the Building Inspector, or his designee, access to the leased premises for the purpose of the inspection required as a prerequisite to the granting or renewal of a Housing Maintenance Certificate.

('88 Code, Title VIII, Ch. 99, § 8.31(8)) (Ord. 181-6-83, passed 6-6-83)

**§ 151.23 CERTIFICATE TO BE DISPLAYED;
NOT TRANSFERABLE TO ANOTHER DWELLING
OR OWNER; NOTICE REQUIRED.**

(A) Each certificate shall be displayed in a conspicuous place within the common ways, if any, of the dwelling licensed.

(B) No certificate shall be transferable to another person, or to another dwelling. Each person holding a Housing Maintenance Certificate shall give notice in writing to the Building Inspector within 24 hours after having transferred or otherwise disposed of the legal control of any licensed dwelling. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling.

('88 Code, Title VIII, Ch. 99, § 8.31(10)) (Ord. 181-6-83, passed 6-6-83)

**§ 151.24 RECORD OF REPAIR AND COMPLAINT
TO BE MAINTAINED BY CERTIFICATE HOLDER.**

Every person holding a Housing Maintenance Certificate shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this chapter and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the certificate holder to the Building Inspector for inspection and copying upon request.

('88 Code, Title VIII, Ch. 99, § 8.31(11)) (Ord. 181-6-83, passed 6-6-83)

§ 151.25 NOTICE OF VIOLATION.

Whenever, upon inspection of the licensed dwelling, or upon inspection of the records required to be kept under § 151.24, the Building Official finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, he shall serve the owner with notice of such violation in the manner provided for notice in this subchapter. Such notice shall state that unless the violation cited is corrected within a reasonable time set by the Building Official not to exceed 30 days, the operating license may be suspended.

('88 Code, Title VIII, Ch. 99, § 8.31(12)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

**§ 151.26 REINSPECTION; SUSPENSION OF
OPERATING LICENSE.**

At the end of the time the Building Inspector has allowed for the correction of any violation notices as provided in § 151.25, the Building Inspector shall reinspect the licensed dwelling and if he determines that the conditions requiring corrections set forth in the notice sent have not been corrected, he may issue an order suspending the operating license [i.e., Housing Maintenance Certificate] which shall be set in the manner provided for notices in this subchapter. ('88 Code, Title VIII, Ch. 99, § 8.31(13)) (Ord. 181-6-83, passed 6-6-83)

§ 151.27 APPEAL.

(A) Any person whose certificate under this subchapter has been suspended by the order of the Building Inspector shall be entitled to an appeal to the Housing Board of Appeals as provided in this subchapter. If no appeal is properly presented within 21 days following this issuance of the order of suspension, the certificate shall be revoked except that if prior to revocation of the certificate any person whose certificate has been ordered suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(B) *Reinstatement.* If, upon reinspection pursuant to the request of the person whose certificate has been ordered suspended but not revoked, the Building Inspector finds the dwelling in connection with which the notice was issued is now in compliance with this code and with applicable rules and regulations issued pursuant thereto, he shall reinstate the certificate. A request for reinspection shall not extend the suspension period.

(C) If an appeal to the Housing Board of Appeals is taken under division (A) of this section, and if the Housing Board of Appeals does not reverse the decision of the Building Inspector, the certificate shall be revoked within ten days following the denial of the appeal by the Housing Board of Appeals.

('88 Code, Title VIII, Ch. 99, § 8.31(14) - (16)) (Ord. 181-6-83, passed 6-6-83)

SMOKE DETECTORS**§ 151.35 REQUIREMENT.**

It shall be the responsibility of the owner of each new and existing rental unit within the City to install smoke detectors in each such rental unit as is hereinafter provided. Smoke detectors shall be capable of sensing visible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed by the first day of adoption, in the manner hereinafter provided and thereafter maintained in working order in compliance with this subchapter. Failure to install smoke detectors as is required under this subchapter will subject the owner of any such rental unit to the penalties set forth.

('88 Code, Title VIII, Ch. 100, § 8.71) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

Cross-reference:

Fire prevention regulations, see Ch. 96

§ 151.36 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER. The person who holds legal title to the premises. However, should a land contract be in existence and recorded with the County Register of Deeds, or should an affidavit or memorandum as to the existence of land contract be recorded with the County Register of Deeds, then the land contract purchaser shall be considered the "owner" for purposes of this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(3))

RENTAL UNIT. Any residence, apartment, flat, motel room, hotel room, boarding room, or boarding house and the like, for which consideration is paid by one person to another for use or occupancy thereof.

SLEEPING AREA. The area or areas of the family living unit in which the bedrooms or sleeping rooms are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes as this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(1)) ('88 Code, Title VIII, Ch. 100, § 8.72) (Ord. 173-6-82, passed 6-7-82)

§ 151.37 INSTALLATION.

(A) At least one smoke detector shall be installed to protect each sleeping area.

(B) At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area in such a manner as to assure the rising smoke is not obstructed in reaching the detector and that the detector intercepts rising smoke before it reaches the sleeping area.

('88 Code, Title VIII, Ch. 100, § 8.73) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.38 ALTERNATIVE.

As an alternative to self-contained smoke detectors, an approved fire detection system may be installed and maintained. Each fire detection system must be individually approved.

('88 Code, Title VIII, Ch. 100, § 8.74) (Ord. 173-6-82, passed 6-7-82)

§ 151.39 CONFORMANCE.

All devices, combinations of devices, and equipment required herein must be installed in conformance with this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.75) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.40 CHANGE OF OCCUPANCY.

After a change of occupancy of every dwelling unit in the City, occasioned by or incidental to a sale, lease or sublease of a rental unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to certify in writing before occupancy, to the now occupant that all smoke detectors as required by this subchapter are installed and in proper working condition. Failure to comply with this section shall be punishable as a misdemeanor as is provided in § 151.99(A) and shall be evidence of the negligence of or inattention of the grantor. This section shall not, however, render any lease or contract or sublease void for failure to have certification required hereby.

('88 Code, Title VIII, Ch. 100, § 8.76) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.41 POWER SOURCE.

(A) Battery type smoke detectors may be used provided that the batteries mount to assure that the following conditions are met:

(1) All power requirements are met for at least one year's life, including weekly testing.

(2) A distinctive audible trouble signal is given before the battery is incapable of operating (from aging, terminal corrosion and the like) the device(s) for alarm purposes.

(3) For a unit employing a lock-in alarm feature, automatic transfer is provided from alarm to a trouble condition.

(4) The unit is capable of producing an alarm signal for at least four minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation.

(5) The audible trouble signal is produced at least once every minute for seven consecutive days.

(6) The monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.

(B) Electric plug-in smoke detectors may be used and operated from a wall plug provided that the plug is fitted with a plug restraining device and provided that the wall outlet power supply is not controlled by a switch other than the main power supply.

('88 Code, Title VIII, Ch. 100, § 8.77) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.42 TAMPERING.

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.78) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person, firm, or corporation who violates any housing regulation in Title XV, Chapter 151, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions of the adopted BOCA Code, shall be deemed a separate offense.

('88 Code, Title VIII, Ch. 99, § 8.22) (Ord. 205-6-85, passed 6-3-85; Am. Ord. 399-11-95, passed 11-20-95; Am. Ord. 427-10-97, passed 10-6-97)

2004 S-5

2003 S-4

CHAPTER 152: FLOOD DAMAGE PREVENTION

Section

152.01 Flood hazard area construction

152.99 Penalty

§ 152.01 FLOOD HAZARD AREA CONSTRUCTION.

The Flood Hazard Area Construction regulations of the City are included as part of the Zoning Ordinance and are adopted by reference as part of the Zoning Ordinance in Chapter 154.

(Ord. 268-3-89, passed 3-6-89) Penalty, see § 152.99

§ 152.99 PENALTY.

Any person who violates any flood damage prevention regulation in Title XV, Chapter 152, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97.

(Ord. 427-10-97, passed 10-6-97)

CHAPTER 153: LAND DIVISION, PLAT REVIEW AND LOT SPLIT

Section

- 153.01 Short title
- 153.02 Definitions
- 153.03 Exemptions to platting requirements
- 153.04 Procedure for review of subdivision plats
- 153.05 Site condominiums
- 153.06 Development design standards
- 153.07 Fees

- 153.99 Penalty

§ 153.01 SHORT TITLE.

This chapter shall be known as the “Land Division, Plat Review and Lot Split Ordinance” of the City, and is adopted pursuant to the authorization of Act 288 of the Public Acts of 1967, as amended. (Ord. 496-7-02, passed 7-15-02)

§ 153.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSIBLE. A parcel which has an area where a driveway or public easement provides vehicular access to an existing road or street and meets all applicable location standards of the State, County and City or has an area where a driveway or proposed public easement can provide vehicular access to an existing road or street and meet all applicable location standards.

ALLEY. A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.

CAPTION. The name by which the plat is legally and commonly known.

CITY. The City of Big Rapids.

CITY COMMISSION. The elected legislative body of the City of Big Rapids.

CITY MANAGER. The person appointed to the Office of City Manager by the City Commission.

DEVELOPMENT DESIGN STANDARDS. Standards and specifications for construction and installation of improvements as established and administered by the City.

DEVELOPMENT SITE. Any parcel or lot on which exists or which is intended for building development.

DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

ENGINEER. A civil engineer who is a professional engineer licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of 1980, being Sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

EXEMPT SPLIT. The partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. A property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel.

FLOODPLAIN. That area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

FORTY ACRES OR EQUIVALENT. Forty acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

HEALTH DEPARTMENT. The State's Department of Environmental Quality or District Health Department No. 10, Mecosta County Offices.

IMPROVEMENTS. Street construction and surfacing, curb and gutter, water mains, storm and sanitary sewers, sidewalks, walkways, graded outlaws and bridges or culverts.

LAND DIVISION ACT. Act 288 of the Public Acts of 1967, as amended; the Act that regulates the division of land in the State of Michigan.

LAND USE PLAN. Big Rapids 2010: A Comprehensive Community Development Plan adopted by the City Plan Board as specified in Act 285 of the Public Acts of 1931, as amended.

LOT. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

MUNICIPALITY. A township, city, or village.

OUTLOT. A lot within the boundary of a recorded plat set aside for purposes other than a development site, park or other land dedicated to public use or reserved to private use.

PARCEL. A continuous area or acreage of land.

PARENT PARCEL OR PARENT TRACT. A parcel or tract lawfully in existence on March 31, 1997.

PLAN BOARD. A board appointed by the City Commission with responsibilities for the development of regulations governing the subdivision of land and review of proposed plats as outlined in Sections 14 and 15 of the Municipal Planning Act, Act 285 of the Public Acts of 1931, as amended.

PLANNER. The person employed by the City as its City Planner or the Planning Consultant designated by the City to provide planning services.

PLAT. A map or chart of a subdivision of land.

PRELIMINARY PLAT. A map showing the prominent features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

PROPRIETOR. A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

PUBLIC SEWER. A sewerage system as defined in Section 4101 of Part 41 (Sewerage Systems) of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, being Section 324.4101 of the Michigan Compiled Laws.

PUBLIC UTILITY. All persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

PUBLIC WATER. A system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

REPLAT. The process of changing, or the map or plat that changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

SUBDIVIDE OR SUBDIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act.

SURVEYOR. A professional surveyor licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of 1980, being Sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

TOPOGRAPHICAL MAP. A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

TRACT. Two or more parcels that share a common property line and are under the same ownership.

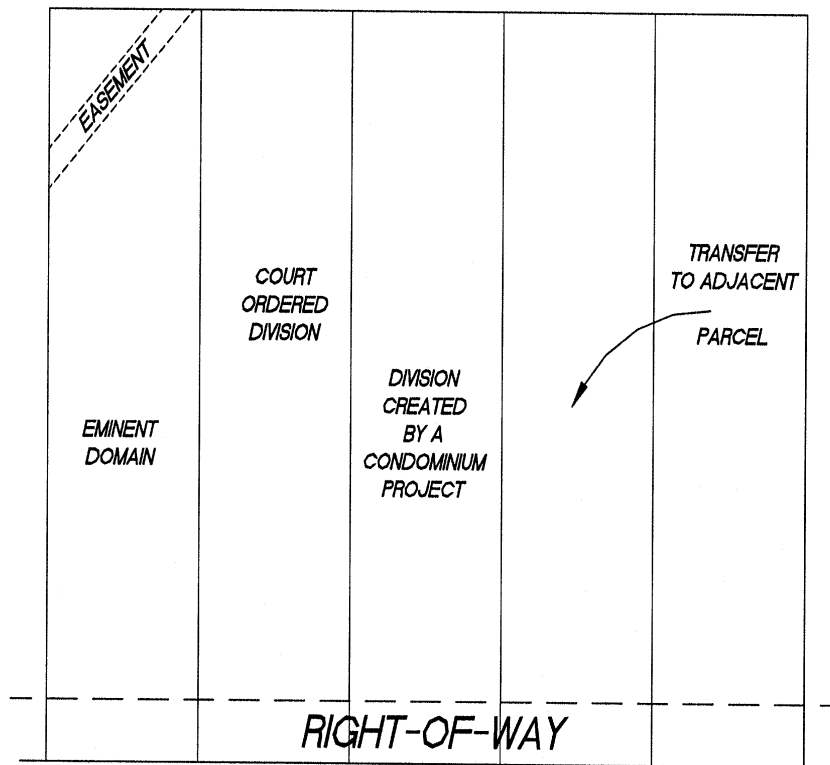
ZONING BOARD OF APPEALS (ZBA). A board appointed by the City Commission having authority to hear appeals of administrative decisions, to interpret zoning text and the zoning map, and to decide on variance requests.
(Ord. 496-7-02, passed 7-15-02)

§ 153.03 EXEMPTIONS TO PLATTING REQUIREMENTS.

There are three categories of procedures for making changes in property boundaries that do not deal with platting; exempt splits, land divisions and parcel combinations. This Section identifies each of these categories.

(A) *Exempt splits.* The following are splits of property that are exceptions to the platting requirements as outlined in the Land Division Act, or by other acts or court decisions (see illustration). The provisions of this Ordinance shall not circumvent the platting requirements of the Act.

LAND DIVISIONS NOT SUBJECT TO PLATTING REQUIREMENTS



(1) Easements.

(2) A splitting of property created as a result of acquisition of a portion of a parcel through eminent domain or a voluntary conveyance to an entity with eminent domain powers.

(3) A splitting of property created as a result of a court order.

(4) A splitting of property created by a condominium project.

(5) Transfers between adjacent unplatted parcels so long as the resulting parcels are accessible.

(6) Lease of residential apartments or commercial space in a shopping center, provided the lease does not include land.

(7) Leases of less than one year.

(8) Options to buy property.

(9) Mortgage or mortgage foreclosures.

(10) Condemnations.

(11) Sheriff sales.

(12) A splitting of property that creates a parcel 40 acres or greater, referred to in the Land Division Act as an "exempt split".

(B) *Land Divisions.* A process for local municipalities to review the dividing of property into two or more parcels when that division is not exempt from the Land Division Act as identified in division (A) above and the number of divisions proposed do not require the more extensive subdivision plat review process. The right to make divisions exempt from the platting requirements of the Land Division Act can be transferred but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. The purpose of this Section is to identify when a proposed division of land requires review and approval through the land division process, outline the approval process, detail criteria necessary for approval, review building permit requirements, and provide for an appeals process.

(1) *When is Land Division Approval required.* Land division approval is required when dividing unplatted property into two or more parcels, the division is not exempt from the Land Division Act as identified in division (A) above and

the number of divisions proposed, together with any previous divisions of the same parent parcel or parent tract, does not exceed those allowed by Section 108 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

(2) *Approval process.*

(a) *Information required.* Information required by the applicant for land division approval shall include:

1. A completed "Land Division Application" provided by the City.

2. An adequate and accurate legal description of all parcels resulting from the proposed division, including the remainder of the parent parcel or parent tract.

3. A survey, map or drawing of the proposed division.

4. The fee established by the City Commission for review of land divisions.

(b) *Submission and review.*

1. Application and fee shall be submitted to the City Clerk or designee.

2. The City Assessor or designee shall review for compliance with the Land Division Act and this chapter. The City Assessor or designee shall be responsible for determining if the applicant has provided an adequate and accurate legal description and an adequate survey, map or drawing, if the proposed division meets the four to one maximum parcel depth to width ratio, if the applicant possesses division rights equal to the number of divisions desired, and if the divisions do not exceed the maximum number of land divisions allowed as outlined in division (B)(1) above of this section.

3. The City Engineer and Public Works Director shall review for compliance with adopted departmental standards and ordinances. The City Engineer and Public Works Director shall be responsible to determine if the parcel is accessible and has adequate easements for public utilities.

4. The Department of Neighborhood Services shall review for compliance with the City's Zoning Ordinance and Land Use Plan. The Zoning Administrator shall review to determine

compliance with parcel width and parcel area requirements.

5. Within 45 days of receipt of a complete application for land division approval, the City Assessor or designee shall approve or deny the land division request. In the case of denial, the City Assessor or designee shall identify in writing the basis for denial of the request. The basis for denial shall be non-compliance with one of the standards for approval outlined in division (B)(3) below of this section.

(3) *Criteria for approval.*

(a) All proposed land divisions must comply with all of the following criteria in order to be approved. The following shall be the basis for approval of a land division request.

1. Each parcel (including the remainder of the parent parcel or parent tract) shall have an adequate and accurate legal description and shall be shown on a survey, map or drawing, drawn to scale, which shows the area of each parcel, parcel lines, dimensions, setbacks, public utility easements, rights-of-way, accessibility and any other information that is necessary to determine compliance with the criteria for approval.

2. Each parcel ten acres or less in size shall have a depth not more than four times its width unless a variance from this requirement is granted by the ZBA. For the purpose of this criterion, the definition of lot (parcel) width in Article 2 of the City of Big Rapids Zoning Ordinance shall be used. For the purpose of this criterion, depth shall be defined as the mean distance from the front street lot (parcel) line to the rear lot (parcel) line as defined in Article 2 of the City of Big Rapids Zoning Ordinance. The depth to width ratio requirements shall not apply to the remainder of the parent parcel or parent tract retained by the proprietor.

3. Each parcel shall comply with the minimum parcel width, maintained to the minimum lot depth, for the zoning district in which it is located unless a variance is granted by the ZBA.

4. Each parcel shall comply with the minimum parcel area for the zoning district in which it is located unless a variance is granted by the ZBA.

5. Each parcel is accessible as defined in this chapter.

6. The request complies with the limitation on the maximum number of divisions allowed per parent parcel or parent tract as outlined in division (B)(1) of this section and Section 108 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

7. Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.

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

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

(a) Public water or district health department approval for the suitability of an on-site water supply.

(b) Public sewer or district health department approval for the suitability of an on-site sewage disposal.

(5) *Appeals.* Any applicant aggrieved by a decision of the City Assessor or designee on a land division request may appeal the decision to the ZBA by submitting the required application and fee to the Zoning Administrator. If an appeal is filed, the City Assessor or designee shall transmit the file on the request being appealed to the ZBA.

(C) *Parcel combinations.* Any combination of existing parcels into a single parcel that does not involve a land division or lot split as defined in this chapter, upon the written request of the proprietor, shall be approved by the City Assessor or designee, provided the proposed new parcel complies with the minimum parcel area and parcel width requirements of the City's Zoning Ordinance. Absent a written request, the Assessing authority shall send a notice of intent to combine parcels to the proprietor.

Permission shall be considered obtained if there is no negative response within 30 days following the notice of intent.

(Ord. 496-7-02, passed 7-15-02)

§ 153.04 PROCEDURE FOR REVIEW OF SUBDIVISION PLATS.

The purpose of this section is to outline the procedures to be followed for review of a subdivision plat, the information required, the standards for approval and the responsibilities of the various City departments and boards in the review and approval process.

(A) *Pre-Preliminary Plat Review (Proprietor's Option).*

(1) *Purpose.* The purpose of the pre-preliminary plat review is to allow the proprietor, at their option, to present a conceptual representation of the entire proposed subdivision to the City for information and feedback. The City is not required to vote to approve or reject, but can give the proprietor their preliminary recommendations on the proposed subdivision. Recommendations at this stage shall not infer approval at later stages of the subdivision process.

(2) *Information required on the Pre-Preliminary Plat.* The proprietor shall include the following:

- (a) Proprietor's name and address;
- (b) Parcel number of the property;
- (c) Location and position map, including Section, Town and Range;
- (d) Property boundary;
- (e) Existing contours shown at two-foot intervals;
- (f) Existing natural features (wooded areas, drainage, floodplain, wetlands, open water, streams, etc.);
- (g) Street layout;
- (h) Lot area and lot dimensions (each lot and outlot shall be accessible as defined in this chapter);
- (i) Existing easements;

(j) General proposed utility information;

(k) General proposed plan to control storm/surface water;

(l) Zoning of the property within the enclosed plat;

(m) Adjacent property and land use;

(n) Proposed phases.

(3) *Submission and review process.*

(a) The proprietor shall submit a minimum of five copies of a complete pre-preliminary plat, a completed application and the required fee to the City Clerk.

(b) Upon receipt, the City Clerk or designee shall submit copies of the pre-preliminary plat to members of the City Plan Board and shall make one copy available to each of applicable departments or offices, who shall review the pre-preliminary plat and provide written comments to the Plan Board at least one week prior to the meeting where the pre-preliminary plat will be reviewed.

(c) The Plan Board shall review the pre-preliminary plat and the comments from City staff and shall provide comments on the plat back to the proprietor within 45 days of the filing of the complete pre-preliminary plat with the City Clerk.

(B) *Preliminary plat for tentative approval.*

(1) *Purpose.* The purpose of the preliminary plat tentative approval is to provide the proprietor with tentative City approval prior to seeking additional jurisdictional agency approvals. All items required for final approval of the preliminary plat shall be provided at this step, with the exception of the approvals from other jurisdictional agencies.

(2) *Information required on the preliminary plat for tentative approval.* The proprietor shall, in compliance with the requirements of the Land Division Act and this chapter, include but is not limited to the following:

(a) All items required for pre-preliminary plat review as outlined in division (A)(2) above of this section;

(b) Name, address, and phone number of the developer and surveyor or engineer that prepared the plat;

(c) Name of the proposed development;

(d) Names of abutting subdivisions or site condominiums;

(e) Survey of the property and legal description.

(f) Street names, rights-of-way, right-of-way widths and typical road cross-sections. Bridges and culverts as determined necessary;

(g) Required zoning setbacks. On corner lots, the front of the lots shall be clearly identified. Minimum frontage requirements shall be verified at the setback line;

(h) Utility layout including connections to existing systems, pipe sizes (storm sewer size can be estimated), fire hydrant locations, sufficient sanitary and storm sewer inverts to ensure adequate depth, storm detention/retention areas, storm sewer outlets and any proposed utility easements. Drainage calculations are not required at this stage;

(i) Proposed drainage should be indicated either by proposed contours or by drainage arrows. Drainage arrows should be sufficient to show preliminary drainage direction of the entire development;

(j) All floodplain areas regulated by the Michigan Department of Environmental Quality (MDEQ);

(k) All wetland areas regulated by the Michigan Department of Environmental Quality (MDEQ);

(l) All parcels of land proposed to be dedicated to public use and conditions of such dedication;

(m) Date and north arrow;

(n) Complete language for any and all deed restrictions, or statement that none are proposed;

(o) Other related data as the City Commission deems necessary.

(3) *Submission and review process.*

(a) The proprietor shall submit a minimum of five copies of a complete preliminary plat, a completed application and the required fee to the City Clerk.

(b) Upon receipt, the City Clerk or designee shall submit copies of the preliminary plat to members of the City Plan Board and shall make one copy available to each of applicable departments or offices, who shall review the preliminary plat and provide written comments to the Plan Board at least one week prior to the meeting where the preliminary plat will be considered.

(c) The Plan Board shall consider the preliminary plat at the first meeting of the Board held at least 15 days after the filing of the complete preliminary plat with the City Clerk.

(4) *Plan Board review of the preliminary plat for tentative approval.*

(a) Prior to making a recommendation on the preliminary plat, the Plan Board shall hold a public hearing. Notice of the hearing shall contain the date, time and place of the hearing, and shall be sent by mail, at least ten days prior to the hearing date, to the proprietor and owners of land within 300 feet of the proposed subdivision.

(b) The preliminary plat and all required accompanying data shall be reviewed, in accord with sound engineering practices, by the Plan Board for the purpose of determining its compliance with the Land Division Act, the specifications of this chapter, the City's Land Use Plan, Zoning Ordinance, Development Design Standards and other applicable City ordinances.

(c) The Plan Board shall submit to the City Commission a written recommendation concerning the preliminary plat within 60 days of the filing of the complete preliminary plat with the City Clerk. The Plan Board shall either:

1. Recommend tentative approval of the preliminary plat; or,

2. Set forth reasons for not recommending tentative approval of the preliminary plat and the requirements for tentative approval.

(5) *City Commission review of the preliminary plat for tentative approval.*

Big Rapids - Land Usage

(a) The City Commission, prior to making a determination, shall consider all pertinent information, including not only the preliminary plat and accompanying data submitted by the proprietor, but also the written comments of City staff and the recommendation of the City Plan Board.

(b) The City Commission shall make a determination regarding the preliminary plat within 90 days of the filing of the complete preliminary plat with the City Clerk. The City Commission shall either:

1. Tentatively approve the preliminary plat and note its approval on the copy of the preliminary plat to be returned to the proprietor, with or without conditions; or,

2. Reject the preliminary plat, setting forth in writing its reasons for rejection and the requirements for tentative approval.

3. The City Commission's tentative approval shall be valid for one year from the date of the meeting where such approval was granted. Upon application by the proprietor to the City Commission, prior to the tentative approval expiration date, the City Commission may extend such approval for an additional one year. The tentative approval of a preliminary plat, once expired, shall require the proprietor to resubmit a preliminary plat.

(C) *Preliminary Plat for final approval*

(1) *Purpose.* The purpose of the preliminary plat final approval is to ensure that all applicable authorities have granted approval to the preliminary plat and to review any changes made to the plat after tentative approval was given by the City. The proprietor shall not proceed with any construction work on the proposed subdivision, including grading, until they have obtained from the City Commission the final approval of the preliminary plat of the proposed subdivision.

(2) *Information required on the preliminary plat for final approval.* All items required on the preliminary plat for tentative approval as outlined in division (B)(2) above are required on the preliminary plat for final approval.

(3) *Submission and review process.*

(a) The City Clerk shall schedule for City Commission consideration, final approval of the preliminary plat upon receipt from the proprietor of

a complete preliminary plat, as well as approved copies of the preliminary plat from the following agencies as applicable:

1. Mecosta County Road Commission (if the proposed subdivision includes or abuts roads under the Road Commission's jurisdiction);

2. Mecosta County Drain Commissioner (if the proposed subdivision drains into a County drain);

3. Michigan Department of Transportation (if any of the proposed subdivision includes or abuts a state trunk line highway, or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways);

4. Michigan Department of Natural Resources (if the land proposed to be subdivided abuts a lake or stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected);

5. Michigan Department of Environmental Quality (if any of the subdivision lies wholly or in part within the floodplain of a river, stream, creek, or lake);

6. District Health Department No. 10, Mecosta County Offices (if public water and public sewers are not available and accessible to the land proposed to be subdivided).

(b) In addition, the proprietor shall provide copies of cover letters showing that two copies of the preliminary plat were sent to the Mecosta County Plat Board, to all public utilities serving the City, and to any school boards with schools located within the City for informational purposes.

(4) *City Commission review of the preliminary plat for final approval.*

(a) The City Commission shall make a determination regarding the preliminary plat at its next regularly scheduled meeting or within 20 days of the submission of the complete preliminary plat to the City Clerk. The City Commission shall either:

1. Approve the preliminary plat, with or without conditions; or,

2. Reject the preliminary plat, setting forth in writing its reasons for rejection and the requirements for final approval.

(b) The City Commission shall instruct the City Clerk to notify the proprietor of approval or rejection in writing, and if rejected to give the reasons.

(c) The City Clerk shall note all proceedings in the minutes of the meeting and the minutes shall be open for inspection.

(d) The City Commission's final approval shall be valid for two years from the date of the meeting where such approval was granted. Upon application by the proprietor to the City Commission, prior to the final approval expiration date, the City Commission may extend such approval for an additional one year. The final approval of a preliminary plat, once expired, shall require the proprietor to resubmit a preliminary plat.

(D) *Survey and monumentation.*

(1) For every subdivision of land there shall be a survey complying with the requirements of Sections 125 and 126 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

(2) Prior to submission of a final plat to the City, the proprietor shall have a surveyor place survey monuments in the plat as required by Section 125 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended. As provided by Section 125, the City Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the City Clerk cash, certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount not less than \$25 per monument and not less than \$100 in total, except that lot corner markers shall be at the rate of not less than \$10 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City Commission shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

(E) *Improvements construction plans approval.*

(1) *Construction plans approval.* It shall be the responsibility of the proprietor of every proposed subdivision prior to final plat approval to have prepared by a professional engineer registered in the State of Michigan, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required streets, utilities and other improvements. Such construction plans shall be based on preliminary plans that have been approved with the preliminary plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the standards or specifications contained or referenced in this chapter, with the City's Development Design Standards and with standards adopted by the responsible public agency.

(2) *Inspection.* A qualified inspector with applicable certification as determined by the City Manager shall inspect the installation of all improvements. The City Commission shall select the inspector. The proprietor shall be responsible for all inspection costs.

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

(F) *Final plat approval.*

(1) *Purpose.* The purpose of the final plat approval is to ensure that the site and its related improvements were developed in accordance with the final approved preliminary plat, approved construction plans and any conditions required by the City Commission. No person shall enter into any contract for the sale of, or shall offer to sell said subdivision or any part thereof until final plat approval has been obtained and the proprietor has completed construction of all improvements or has bonded with the City for the cost of the improvements.

(2) *Information required on the final plat.* The proprietor shall, in compliance with the requirements of the Land Division Act and this chapter, submit the following:

(a) Five copies of a complete final plat prepared in accordance with the Land Division Act, accompanied by an electronic copy in a format

acceptable to the City; with all of the certificates required in Section 142 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended;

(b) Abstract of Title, Policy of Title Insurance or Attorney's Opinion of Title;

(c) A complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required streets, utilities and other improvements with applicable agency approvals;

(d) As-built profile and cross-section notes of each street with grades; as-built profile of sanitary and storm sewer with sizes and grades; and a plan of the water lines with sizes and appurtenances in accordance with the City's Development Design Standards and this chapter;

(e) An agreement with the City containing a restriction upon the plat whereby the Building Inspector will not be permitted to issue a building permit for any structure upon any lot within said subdivision until the improvements as specified herein have been completed, or satisfactory arrangements have been made with the City for the completion of said improvements. These plat restrictions shall be made a part of all deeds or contracts for any lot within the subdivision;

(f) Plat restrictions, if the proprietor proposes such restrictions, shall be submitted, with the final plat. Such restrictions shall not be in contradiction to the City's Zoning Ordinance or any other ordinance of the City. These restrictions shall become a part of the final plat and shall be recorded along with the plat in the Office of the Mecosta County Register of Deeds.

(3) *Submission and review process.*

(a) The proprietor shall submit all items as outlined in division (F)(2) above, with the required fees to the City Clerk.

(b) Upon receipt, the City Clerk shall submit copies of the final plat to members of the City Commission and shall make one copy available to each of applicable departments or offices. In addition, the Department of Engineering and Municipal Utilities shall receive in an electronic format acceptable to the City, as-built drawings for all streets, utilities and other required improvements, or a complete set of construction plans for those improvements not yet in place. All departments shall review the final plat and provide

written comments to the City Commission at least one week prior to the meeting where the final plat will be considered.

(4) *City Commission review of the final plat.*

(a) Upon receipt of the final plat and all required accompanying materials, the City Commission shall make a determination regarding the final plat at its next regularly scheduled meeting or within 20 days of the submission of the complete final plat to the City Clerk. The City Commission shall either approve or reject the final plat.

(b) If the final plat is rejected, the City Commission shall instruct the City Clerk to give the reasons for the rejection in writing and return the plat to the proprietor. The proprietor shall, within a reasonable time, resubmit to the City Commission any changes or alterations stipulated by the Commission.

(c) Final plat approval shall be granted by the City Commission provided the following:

1. The proprietor has submitted the necessary construction plans, as required by this chapter, and the plans have been checked and approved for compliance with the City's Development Design Standards. Construction plans shall be checked and approved by the City or other agencies with authority to approve the subdivision improvements.

2. The proprietor has installed all improvements including survey monuments and the City Commission has accepted such improvements. The proprietor, at the sole discretion of the City, may post a bond of a type and amount acceptable by the City for the cost of installation of the improvements or for the cost of completing construction of the specific public improvement, including contingencies. The term length in which the bond is in force shall be for a period to be specified by the City Commission. The bond shall be:

a. A non-revocable letter of credit issued by a bank or such other agency acceptable to the City Commission; or,

b. A cash bond issued by a surety company authorized to do business in the State of Michigan and acceptable to the City Commission. The escrow agreement shall be drawn and furnished by the City.

3. The proprietor has submitted as-built drawings for all of the completed improvements and the City has determined that such drawings are consistent with the improvements proposed for the final plat.

(d) Upon approval of the final plat, the City Clerk shall, in accordance with the Land Division Act, certify on the plat the City's approval, and forward the plat (five copies), agreements, restrictions and fees to the Mecosta County Plat Board.

(e) The City Clerk shall note all proceedings in the minutes of the meeting and the minutes shall be open for inspection.

(G) *Variance from the provisions of this section.* Variances from the provisions contained in this section may be granted by the City Commission subject to the following:

(1) A petition for any such variance shall be submitted in writing by the proprietor to the City Commission at the time the City Commission reviews the preliminary plat for tentative approval. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(2) If the proprietor can clearly demonstrate that literal enforcement of this section will impose practical difficulties because of unique circumstances pertaining to his or her land, the City Commission may permit such variance or variances as, in its sound discretion, it believes to be reasonable and within the general purpose and policy of this chapter.

(3) In making the findings required in division (G)(4) below, the City Commission shall consider the location and condition of the proposed subdivision, the nature of the proposed variance as compared with the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed variance as compared with the existing use of land in the vicinity.

(4) No variance shall be granted unless the City Commission finds:

(a) There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land.

(b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(c) The granting of the variance will not be detrimental to the public welfare or be injurious to property in the vicinity of the proposed subdivision.

(H) *Corrections or changes to an approved plat.* Corrections or changes to an approved plat shall be made only when in accordance with the Land Division Act and this chapter. The process required shall be dependent upon the type of correction or change proposed and achieved by means of the following:

(1) An affidavit from the surveyor who certified the plat.

(2) By order of the Circuit Court.

(3) By action of the City Commission.

(I) *Replats* A replat of all or a portion of a recorded subdivision plat may occur using the conventional platting process only after a plat or portion of a plat to be replatted has been vacated by court action, with the following exceptions:

(1) All owners of the lots involved in the replat:

(a) Agree to the replat in writing and record the agreement with the Mecosta County Register of Deeds;

(b) Provide notice of their intention to replat to abutting property owners by certified mail;

(c) Request the City Commission adopt an ordinance vacating any areas dedicated to public use.

(2) Assessor's plats.

(3) Urban Renewal Plats.

(J) *Lot splits.* A "lot split" is any division of an existing platted lot. These divisions of lots may be recombined to create parcels of various sizes and configurations as an alternative to replatting. The purpose of this section is to identify when a proposed splitting of a lot requires review and approval through the lot split process, outline the approval process, detail criteria necessary for approval, review building permit requirements, and provide for an appeals process.

(1) *When is lot split approval required.* Lot split approval is required for any alteration of an existing platted lot or when dividing any platted property into two or more parcels and the number of splits proposed, together with any previous splits, does not exceed those permitted by Section 263 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

(2) *Approval process.*

(a) *Information required.* Information required by the applicant for lot split approval shall include:

1. A completed "Lot Split Application" provided by the City.

2. An adequate and accurate legal description of all parcels resulting from the proposed split, including the remainder of the original parcel.

3. A survey, map or drawing of the proposed split.

4. The fee established by the City Commission for review of lot splits.

(b) *Submission and review.*

1. Application and fee shall be submitted to the City Clerk or designee.

2. The City Assessor or designee shall review for compliance with the Land Division Act and this chapter. The City Assessor or designee shall be responsible for determining if the applicant has provided an adequate and accurate legal description and an adequate survey, map or drawing, if the proposed split meets the four to one maximum parcel depth to width ratio, and if the splits do not exceed the maximum number of splits permitted as outlined in division (J)(1) above.

3. The City Engineer and Public Works Director shall review for compliance with adopted departmental standards and ordinances. The City Engineer and Public Works Director shall be responsible to determine if the parcel is accessible and has adequate easements for public utilities.

4. The Department of Neighborhood Services shall review for compliance with the City's Zoning Ordinance and Land Use Plan. The Zoning Administrator shall review to determine

compliance with parcel width and parcel area requirements.

5. Within 45 days of receipt of a complete application for lot split approval, the City Assessor or designee shall approve or deny the lot split request. In the case of denial, the City Assessor or designee shall identify in writing the basis for denial of the request. The basis for denial shall be non-compliance with one of the standards for approval outlined in division (J)(3) below.

(3) *Criteria for approval.*

(a) All proposed lot splits must comply with all of the following criteria in order to be approved. The following shall be the basis for approval of a lot split request:

1. Each parcel (including the remainder of the original parcel) shall have an adequate and accurate legal description and shall be shown on a survey, map or drawing, drawn to scale, which shows the area of each parcel, parcel lines, dimensions, setbacks, public utility easements, rights-of-way, accessibility and any other information that is necessary to determine compliance with the criteria for approval.

2. Each parcel ten acres or less in size shall have a depth not more than four times its width unless a variance from this requirement is granted by the ZBA. For the purpose of this criterion, the definition of lot (parcel) width in Article 2 of the City of Big Rapids Zoning Ordinance shall be used. For the purpose of this criterion, depth shall be defined as the mean distance from the front street lot (parcel) line to the rear lot (parcel) line as defined in Article 2 of the City of Big Rapids Zoning Ordinance.

3. Each parcel shall comply with the minimum parcel width, maintained to the minimum lot depth, for the zoning district in which it is located unless a variance is granted by the ZBA.

4. Each parcel shall comply with the minimum parcel area for the zoning district in which it is located unless a variance is granted by the ZBA.

5. Each parcel shall comply with the minimum setback requirements for the zoning district in which it is located unless a variance is granted by the ZBA.

6. Each parcel is accessible as defined in this chapter.

7. The request complies with the limitation on the maximum number of splits permitted as outlined in division (J)(1) of this section and Section 263 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

8. Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.

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

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

(a) Public water or district health department approval for the suitability of an on-site water supply.

(b) Public sewer or district health department approval for the suitability of an on-site sewage disposal.

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

(K) *Parcel splits.* A parcel split is the division of a parcel consisting of two or more platted lots along a platted lot line in order to create two or more parcels. Approval of a parcel split is not required; however, the split shall not result in the creation of nonconforming parcels under the terms of the City’s Zoning Ordinance unless a variance is first granted by the ZBA. This would include issues of lot width, lot area and setback requirements.
(Ord. 496-7-02, passed 7-15-02)

§ 153.05 SITE CONDOMINIUMS.

Site condominium projects are approved following the process outlined in Article 12 of the City of Big Rapids Zoning Ordinance.
(Ord. 496-7-02, passed 7-15-02)

§ 153.06 DEVELOPMENT DESIGN STANDARDS.

Design standards for subdivisions and other land development in the City are outlined in the separate City of Big Rapids Development Design Standards adopted by the City Commission.
(Ord. 496-7-02, passed 7-15-02)

§ 153.07 FEES.

Fees for all work associated with the review and approval of applications for all forms of division of land covered by this chapter shall be established by the City Commission by ordinance, and may be amended by the City Commission by ordinance at their discretion.
(Ord. 496-7-02, passed 7-15-02)

§ 153.99 PENALTY.

Any person, firm or corporation who violates any of the provisions of this chapter shall be responsible for a municipal civil infraction. Each offense shall be considered a separate violation.
(Ord. 496-7-02, passed 7-15-02)

CHAPTER 154: ZONING CODE

Section

154.01 Zoning Ordinance adopted by
reference

154.99 Penalty

Cross-reference:

Flood Hazard Area Construction, see Ch. 152

§ 154.01 ZONING ORDINANCE ADOPTED BY REFERENCE.

(A) The Zoning Ordinance of the City is adopted by reference and included herein as if fully set forth.

(B) Copies of the Zoning Ordinance are published in pamphlet form and available for examination and sale at the office of the City Clerk.
(Am. Ord. 447-7-99, passed 7-6-99)

§ 154.99 PENALTY.

Any person who violates any zoning ordinance regulation in Title XV, Chapter 154, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97, with each day that a violation occurs being a separate offense.
(Ord. 427-10-97, passed 10-6-97)

CHAPTER 155: TAX EXEMPTION FOR HOUSING DEVELOPMENTS

Section

- 155.01 Purpose and findings
- 155.02 Definitions
- 155.03 Class of housing developments
- 155.04 Establishment of annual service charge
- 155.05 Limitation on the payment of annual service charge
- 155.06 Housing developments for which construction or rehabilitation was initiated during certain time period
- 155.07 Determination of qualified housing developments
- 155.08 Preliminary review and recommendation
- 155.09 Payment of service charge
- 155.10 Duration

ANNUAL SHELTER RENT. The total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

AUTHORITY. The Michigan State Housing Development Authority.

CONTRACT RENTS. As defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended.

ELDERLY. A single person who is 55 years of age or older or a household in which at least one member is 55 years of age or older.

§ 155.01 PURPOSE AND FINDINGS.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the construction of qualified housing developments by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL Section 125.1401 et. seq.). The City of Big Rapids is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. (Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-06-06, passed 5-15-06)

§ 155.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

HOUSING DEVELOPMENT. A development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.

MORTGAGE LOAN. A loan to be made by the Authority to the Sponsor for the construction and/or permanent financing of the Housing Development.

QUALIFIED HOUSING DEVELOPMENT. A housing development with characteristics specified in this chapter which the City Commission may find exist and qualify the Housing Development for tax exempt status.

SPONSOR. Person(s) or entities which have applied to the Authority for low income housing tax credits and/or a mortgage loan to finance a housing development.

UTILITIES. Fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

(Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-05-06, passed 5-15-06)

§ 155.03 CLASS OF HOUSING DEVELOPMENTS.

It is determined that the class of housing developments to which the tax exemption may apply and for which a service charge shall be paid in lieu of such taxes shall be elderly housing developments which are financed or assisted by the Authority or which are federally-aided and multiple or single family dwellings for persons of low income located in the City of Big Rapids which are financed or assisted by the Authority or which are federally-aided, and which are found to be qualified housing developments by the City Commission.

(Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-05-06, passed 5-15-06)

§ 155.04 ESTABLISHMENT OF ANNUAL SERVICECHARGE.

(A) Housing developments found by the City Commission to be qualified for tax exempt status and the property on which they shall be constructed shall be exempt from all property taxes from and after the commencement of occupancy. The City, acknowledging that the sponsor and the Authority, in the case of a sponsor receiving a mortgage loan from the Authority, shall have established the economic feasibility of a housing development in reliance upon the enactment and continuing effect of this chapter and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this chapter, agrees to accept payment of an annual service charge for public services in lieu of all property taxes.

(B) The annual service charge for qualified housing developments for which construction or rehabilitation is initiated after January 1, 1990 but prior to January 1, 2002 shall be as follows: The service charge for:

(1) Authority financed or federally-aided housing developments for elderly persons shall be equal to 4% of the difference between the annual shelter rents actually collected and utilities.

(2) Authority financed or federally-aided housing developments intended for persons of low income shall be equal to 10% of the difference between the annual shelter rents actually collected and utilities.

(C) The annual service charge for qualified housing developments for which construction or rehabilitation is initiated on or after January 1, 2002 shall be as follows: The service charge for:

(1) Authority financed or federally-aided housing developments for elderly persons shall be equal to 0% of the difference between the annual shelter rents actually collected and utilities.

(2) Authority financed or federally-aided housing developments intended for persons of low income shall be equal to 10% of the difference between the annual shelter rents actually collected and utilities.

(3) The authorization of the 0% service charge is within the discretion of the City Commission. In the event that a qualified housing development is denied the 0% service charge, the project shall receive authorization for a 10% service charge, or such service charge between 0% and 10% as the City Commission determines is appropriate.

(4) For each qualified housing development for which construction or rehabilitation is begun after January 1, 2002, the City may by resolution grant tax exempt status. The resolution by the City shall be based on the criteria in § 155.07, and shall be effective on adoption.

(D) The term "low income" as used in this chapter shall be the same as "low income persons and families" as defined in Section 15(a)(7) of the Act. (Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-05-06, passed 5-15-06)

§ 155.05 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.

Notwithstanding § 155.04, the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing development if the housing development were not tax exempt.

(Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-05-06, passed 5-15-06)

§ 155.06 HOUSING DEVELOPMENTS FOR WHICH CONSTRUCTION OR REHABILITATION WAS INITIATED DURING CERTAIN TIME PERIOD.

Housing developments for which construction or rehabilitation was initiated after January 1, 1990 but prior to January 1, 2002 and which are currently exempt from taxation and which are already making annual service charge payments pursuant to Ordinance 430-12-97 shall not be affected nor shall the terms of the tax exemption and annual service charge payments for those housing developments be changed by reason of the passage of this chapter. The cooperation agreement between the City of Big Rapids and the Big Rapids Housing Commission establishing payments in lieu of taxes for Housing Commission properties developed prior to 1990 is ratified and affirmed.

(Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-05-06, passed 5-15-06)

§ 155.07 DETERMINATION OF QUALIFIED HOUSING DEVELOPMENTS.

A proposed housing development reviewed by the City Commission and found to be qualified for tax exempt status and a PILOT payment must satisfy all of the following criteria:

(A) The Housing Development is designed for elderly or low income residents as defined in this chapter or applicable state or federal law;

(B) The Housing Development will meet a demand not adequately addressed in the existing housing inventory in the community;

(C) The Housing Development will not have a significant negative impact on the existing rental housing market for substantially similar housing units;

(D) The Housing Development is designed so that a PILOT agreement is essential to financing of the proposed housing development;

(E) The Housing Development is designed to avoid an excessive concentration of subsidized housing in any particular section of the City of Big Rapids; and

(F) The Housing Development will rehabilitate or remove some dilapidated or substandard housing stock within the City of Big Rapids.

(Ord. 566-05-06, passed 5-15-06)

§ 155.08 PRELIMINARY REVIEW AND RECOMMENDATION.

Prior to action by the City Commission on a request for tax exempt status on a proposed housing development, a conceptual plan describing the existing housing stock to be rehabilitated or removed, and the number and type of new housing units to be constructed, and the location of each within the City, and the market for the proposed housing units, and the importance of the tax exempt status in making the Housing Development feasible, shall be submitted to the Plan Board for review and recommendation to the City Commission on each of the six criteria in § 155.07. The Big Rapids Housing Commission shall be asked for its input and recommendation on each of the six criteria, which shall be provided in writing to the Plan Board prior to the Plan Board's review of the request for tax exempt status.

(Ord. 566-05-06, passed 5-15-06)

§ 155.09 PAYMENT OF SERVICE CHARGE.

The service charge in lieu of taxes as determined under the ordinance shall be payable in the same manner as general property taxes are payable to the City of Big Rapids.

(Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-05-06, passed 5-15-06)

§ 155.10 DURATION.

The tax exempt status of a housing development approved for such status by resolution of the City shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the Authority has any interest in the property; provided, that construction of the housing development commences within one year from the effective date of the resolution.

(Ord. 490-02-02, passed 2-18-02; Am. Ord. 566-05-06, passed 5-15-06)

