

**CITY OF EAST GRAND RAPIDS PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

A public hearing will be held at the date, time, and place below to consider an amendment to the zoning ordinance regarding Sections 5.111 and 5.116. The Planning Commission will discuss this amendment to clarify the applicability of these sections to nonconforming lots, structures, and uses.

The Planning Commission may or may not make a recommendation to the City Commission at the conclusion of the public hearing. Final approval of the zoning ordinance amendment would be made by the City Commission. The proposed amendment may be viewed in the Public Works Administration office at the Community Center, or by linking from this notice at www.eastgr.org/notices.

The Planning Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Planning Commission at 750 Lakeside Drive SE, East Grand Rapids, MI 49506. To be included in the hearing, written communications must contain the sender's name and address.

If you have any questions regarding this request, please contact the undersigned at (616)940-4817, or jgianotti@eastgr.org.

Date: Tuesday, June 14, 2022
Time: 5:30 p.m.
Place: East Grand Rapids Community Center Commission Chambers
750 Lakeside Drive SE, East Grand Rapids, MI 49506

Jay Gianotti, AICP
Zoning Administrator

**AN ORDINANCE TO AMEND SECTION 5.111 AND 5.116
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.111 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.111 INTENT.

Within the districts established by this chapter or any subsequent amendments, there exist lots, structures and uses of land and structures which were lawful, either as conforming or nonconforming uses before this chapter was effective, but which would be prohibited, regulated or restricted under the terms of this chapter or amendments hereto.

(A) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuance. It is further the intent of this chapter that nonconformities shall not be enlarged, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except by appeal to the Zoning Board of Appeals.

(B) Such nonconformities are declared to be incompatible with the permitted lots, structures, and uses in the districts involved.

(C) A nonconforming lot, a nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after the passage of this chapter by attachment on a building, structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

(D) To avoid undue hardship or practical difficulties, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building or lot on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been continuously and diligently carried on. **ACTUAL CONSTRUCTION** is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be continuously and diligently carried on until completion of the building involved.

Section 2. Section 5.116 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.116 ELIMINATION OF NONCONFORMITIES.

In accordance with the State's Zoning Enabling Act, the City may acquire private property by purchase, condemnation or otherwise for removal of nonconforming lots, nonconforming uses, and nonconforming structures; provided the property shall not be used for public housing.

Section 3. This Ordinance shall be effective on May _____, 2022.

Section 4. Notice of adoption of this Ordinance shall be published within ten days of its enactment by a publication of a digest, summary, or statement of purpose of the Ordinance as provided in Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

On May _____, 2022, the East Grand Rapids City Commission adopted an Ordinance Amendment restating Sections 5.111 and 5.116 of Chapter 50 of Title V of the City Code. The purpose of Section 5.111 is to outline the intent of the City with regard to nonconforming lots, uses, and structures. The Amendment added some language to both Sections to clarify that all types of nonconformities are regulated by Article XIV of the Zoning Ordinance. The full text of this Ordinance is available for inspection by and distribution to the public at the Office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

City of East Grand Rapids

By _____
Karen K. Brower
City Clerk