

CHARTER TOWNSHIP OF GRAND RAPIDS

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Grand Rapids, held in the Township Hall, Grand Rapids, Michigan, on the ____ day of _____, 2019, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following ordinance was offered by Member _____ and supported by Member _____.

ORDINANCE NO. 525

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF GRAND RAPIDS

[MARIHUANA ESTABLISHMENTS; SHARED DRIVEWAYS; FENCES; PUD DISTRICTS; OTHER AMENDMENTS]

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

CONTENTS

THIS ORDINANCE CONSISTS OF THE FOLLOWING PARTS:

	<u>Page</u>
PART A	
CHAPTER 4 – MARIHUANA ESTABLISHMENTS PROHIBITED	2
PART B	
CHAPTER 27 – SHARED DRIVEWAYS	4
PART C	
CHAPTER 4 – FENCES, WALLS AND SCREENS	6
PART D	
CHAPTER 13 - PLANNED UNIT DEVELOPMENT DISTRICTS.....	9
PART E	
MISCELLANEOUS ZONING ORDINANCE AMENDMENTS	10
PART F	
EFFECTIVE DATE OF ORDINANCE.....	12

Section 10.6 Other Regulations.

Table 10.6 Other Regulations	
Land Use	Regulatory Provision in Ordinance; Exception
1, 2, 3, 4 and 5 [No change]	1, 2, 3, 4 and 5 [No change]
6. Marihuana establishments are prohibited	Section 4.25

Section 3. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Table 11.6 of Section 11.6, Other Regulations, of Chapter 11, C-1 Neighborhood Commercial District, to add line 6 thereof, as follows:

Section 11.6 Other Regulations.

Table 11.6 Other Regulations	
Land Use	Regulatory Provision in Ordinance; Exception
1, 2, 3, 4 and 5 [No change]	1, 2, 3, 4 and 5 [No change]
6. Marihuana establishments are prohibited	Section 4.25

Section 4. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Table 12.6 of Section 12.6, Other Regulations, of Chapter 12, C General Commercial District, to add line 6 thereof, as follows:

Section 12.6 Other Regulations.

Table 12.6 Other Regulations	
Land Use	Regulatory Provision in Ordinance; Exception
1, 2, 3, 4 and 5 [No change]	1, 2, 3, 4 and 5 [No change]
6. Marihuana establishments are prohibited	Section 4.25

Section 5. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the addition of Section 14.19, Marihuana Establishments Prohibited, to Chapter 14, Standards Applicable to all PUD Districts, as follows:

dwellings, dwelling units or structures, but not including any extension thereof after January 19, 2000, except in compliance with Section 27.2 of this chapter.

3. [No change]
4. A “**private road**” is the entire length of any undedicated path, drive or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress to and egress from four or more lots, other parcels of land, buildings, dwellings, dwelling units or principal structures, or any combination thereof.

The private road provisions of this chapter shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this chapter include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile-home parks, and shopping centers.

- 5-6 [Delete]
5. A “**private-road easement**” is an easement which is granted exclusively for private access to four or more lots, other parcels of land, buildings, dwellings, dwelling units or principal structures, or any combination thereof, whether by grant of easement, designation as a general or limited common area, or other lawful means, and which includes a private road.
6. [No change]
7. An “**existing-private road**” is a private road which is used to provide access to existing lots, other existing parcels of land, buildings, dwelling units or principal structures as of September 26, 1990.
8. An **existing lot** is a lot which, as of September 26, 1990 meets at least one of the following conditions:
 - a. The lot consists of a parcel that is platted or described by metes and bounds for which a deed has been recorded with the Kent County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Kent County Register of Deeds;
 - b. [No change]
 - c. The lot consists of a site condominium unit (i.e., a portion of a site condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a site-condominium development for which a condominium master deed has

percent open when viewed from the street side. Chain link and woven wire fences are prohibited in the front yard.

ii. Any solid decorative fence or wall not exceeding 30 inches in height.

b. **Side and Rear Yard.** A maximum fence or wall height of six feet is permitted in the side yard and the rear yard in all residential or residential PUD zones. In commercial and office zones, the maximum height of a fence or wall in the side yard and rear yard shall be eight feet, except as otherwise permitted.

c. **Front Yards of Lots Having More than One Front Yard.**

i. As provided in Section 4.20, a corner lot has two front yards; a corner lot that has three street frontages has three front yards. Fences and walls in all of such front yards shall comply with Section 4.5.2.a except as stated in paragraph ii of this Section 4.5.2.c.

ii. In the case of a corner lot or a lot with three street frontages, the zoning administrator may permit a fence or wall to be located in one of such front yards that is higher than the maximum fence or wall height stated in Section 4.5.2.a, not to exceed the height permitted in a side or rear yard. Any such approval by the administrator may include conditions as to the required location of the fence or wall, the type of fence or wall, any required associated landscaping and other conditions which may serve to mitigate any potential adverse effects of the fence or wall. In determining to permit such a fence or wall of a height greater than that otherwise permitted, the zoning administrator shall consider and apply the factors stated in Section 4.5.2.d.

d. In determining to approve a fence or wall in one of the front yards of a corner lot or a corner lot having three street frontages, in accordance with Section 4.5.2.c.ii, the zoning administrator shall consider and apply the following factors, among others:

i. The type of street which the applicable front yard faces, whether county primary street, platted street, private road or otherwise.

ii. The average typical daily vehicle traffic volume on the applicable frontage street.

iii. The distance back from the street right-of-way line that the proposed fence or wall would be installed.

iv. The distance the proposed fence or wall would be located from adjacent or nearby dwellings or other buildings on other land.

- g. A fence or wall shall be constructed and installed such that the finished side of the fence or wall faces outward toward the adjacent lot, other parcel of land or street.

PART D
CHAPTER 13 - PLANNED UNIT DEVELOPMENT DISTRICTS

Section 1. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of the introductory paragraph of subsection 1 thereof, to delete “Township Planner” and to insert in its place, “Township zoning administrator.”

Section 2. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the addition of subsection 5 of Section 13.4, Application, of Chapter 13, Planned Unit Development Districts, Purpose and Procedures, as follows:

Section 13.4 Application. . .

5. The application, narrative and preliminary development plan and, subsequently, the final development plan and the rezoning of the land to a PUD district, shall be considered and acted upon in accordance with the PUD provisions of this Ordinance, and the applicable provisions of the Michigan Zoning Enabling Act of 2006.

Section 3. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 13.8, Planning Commission Recommendation, of Chapter 13, Planned Unit Development Districts, Purpose and Procedures, is hereby amended as follows:

Section 13.8. Planning Commission Recommendation.

1. After reviewing the application, narrative and preliminary development plan, the Planning Commission shall provide the applicant with any requirements, recommendations, changes, modifications, additions or supplements in or to the application, narrative and/or preliminary development plan and the proposed development.
2. If the Planning Commission determines that a Developmental Impact Statement, as described in Section 13.5, is required, the Commission shall so notify the applicant.
3. If the Planning Commission determines that the application, narrative and preliminary development plan satisfy the requirements of Section 13.4 with respect to such documents, the Planning Commission shall so inform the applicant

Section 10.5 Minimum Yard and Maximum Height Requirements.

Table 10.5 Minimum Yard and Maximum Height Requirements		
1.	Front yard	100 feet
2.	Side yards	Each side yard 30 feet, except that the side yard next to a street on a corner lot shall be the same as the required front yard.
3.	Rear yard	50 feet, except the rear yard shall be 75 feet if adjacent to any residential zone or residential use.
4.	Building height	35 feet

Section 2. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Table 30.3 of Section 30.3, Exempt Signs, to read in its entirety as follows:

Section 30.03 Exempt Signs. The signs listed in Table 30.3 shall not require a permit and are otherwise exempt from the provisions of this chapter, except as stated in Section 30.5:

Table 30.3 Exempt Signs (but subject to the regulations in Section 30.5).	
Type of Sign	
1.	Governmental signs
2.	Memorial signs
3.	Essential services signs not more than two square feet in area
4.	Community service group signs not more than two square feet in area
5.	Nameplate signs not more than six square feet in area
6.	Political signs
7.	Directional signs not more than three square feet in area
8.	Construction signs
9.	Signs for residential yard sales and residential garage sales
10.	Real estate sale signs
11.	Real estate leasing signs
12.	Signs, to the extent exempt from local zoning pursuant to State law, including Section 205d of the Michigan Zoning Enabling Act, MCL 125.205d

Section 3. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 2.2, the definition of “Adult Foster Care Family Home,” to read in its entirety as follows:

Section 2.2. Definitions, A-E . . .

5. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods

of 24 hours per day, five or more days per week and for two or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. In addition, the term shall include a private residence with a capacity of at least one but not more than four adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in a residential setting.

PART F
EFFECTIVE DATE OF ORDINANCE

Section 1. Publication; Effective Date. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Michael J. DeVries, Township Supervisor

Edward J. Robinette, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Grand Rapids at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Edward J. Robinette, Township Clerk

First Reading: _____

Second Reading: _____

Ordinance becomes effective: _____