

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 16th day of April, 2019, at 7:00 p.m.

PRESENT: Christopoulos, DeVries, Pierangeli, Robinette, Van Popering, Yeiter

ABSENT: Van Dyke

The following ordinance was offered by Member Van Popering and supported by Member Christopoulos.

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

PART A
CHAPTER 4 – MARIHUANA ESTABLISHMENTS PROHIBITED

Section 1. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the addition of Section 4.25, Marihuana Establishments Prohibited, as follows:

Section 4.25 Marihuana Establishments Prohibited.

2. The establishment and/or operation of any and all marihuana establishments, as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, is completely prohibited in all zoning districts, irrespective of any means of approval, whether by special land use, variance or otherwise. This prohibition includes, but is not limited to, the following marihuana establishments:
 - a. Marihuana grower.
 - b. Marihuana safety compliance facility.
 - c. Marihuana processor.
 - d. Marihuana microbusiness.
 - e. Marihuana retailer.
 - f. Marihuana secure transporter.
 - g. Any other marihuana-related business that is subject to licensing by the State Department of Licensing and Regulatory Affairs under Michigan Initiated Law 1 of 2018 or the Rules promulgated thereunder.
3. This Section does not limit any rights, privileges, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008.
4. This Section does not restrict or prohibit the lawful transportation of marihuana through or within the Township by a marihuana secure transporter who is licensed to operate in another municipality.

Section 2. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Table 10.6 of Section 10.6, Other Regulations, of Chapter 10, C-2 Suburban Office District, to add line 6 thereof, as follows:

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:

Section 14.19 Marihuana Establishments Prohibited. In accordance with Section 4.25 of this ordinance, marihuana establishments, as defined and used in Michigan Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, are prohibited in all planned unit development districts.

Section 6. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 21.2, Uses Permitted, of Chapter 21, NC-PUD Neighborhood Commercial PUD District, by the addition of “Marihuana Establishments” to subsection n., as follows:

Section 21.2 Uses Permitted. . .

- n. The following uses are specifically prohibited in the NC-PUD Zoning District: [all uses currently listed to remain unchanged]
 - Marihuana establishments, as prohibited by Section 4.25.

Section 7. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 22A.4, Uses Specifically Prohibited, of Chapter 22A, Healthcare Mixed-Use Planned Unit Development (HC-PUD) District, by the addition of item 13, as follows:

Section 22A.4 Uses Specifically Prohibited. The following uses are specifically prohibited in the HC-PUD Zoning District: . . .

- 13. Marihuana establishments, as prohibited by Section 4.25.

PART B
CHAPTER 27 – SHARED DRIVEWAYS

Section 1. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 27.1, Definitions, of Chapter 27, Private Roads, as follows:

Section 27.1. Definitions. For purposes of this chapter, the following words and phrases shall be defined as follows:

- 1. [No change]
- 2. An “**existing shared driveway**” is a driveway existing as of January 19, 2000, and extending from a public street or private road to serve two lots, buildings,

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

been recorded with the Kent County Register of Deeds in accordance with the requirements of the Michigan Condominium Act.

9. An **existing building** or an **existing dwelling unit** is a building or dwelling unit for which a building permit has been issued by the Township as of September 26, 1990.
10. [No change]

Section 2. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 27.2.1, to read in its entirety as follows:

Section 27.2 Shared Driveways.

1. After January 19, 2000, a shared driveway shall be constructed, extended, improved or relocated, only in accordance with the provisions of this section. Likewise, an existing shared driveway shall be extended and used to provide access to an additional lot, other parcel of land, additional building, dwelling or dwelling unit in any combination, only in accordance with this section.
- 2-3 [No change]

PART C
CHAPTER 4 – FENCES, WALLS AND SCREENS

Section 1. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 4.5 thereof, Fences, Walls and Screens, as follows:

Section 4.5. Fences, Walls and Screens.

1. **Applicability.** This section shall apply to all residential, commercial, office and planned unit development zoning districts except as otherwise noted. These regulations do not apply to temporary fences to enclose construction sites.
2. **Location and Height Requirements.**
 - a. **Front Yard.** Within the front yard of a lot or other parcel of land (i.e., that part of the lot or other parcel consisting of the distance between the front line of the principal building and as that line is extended to each side property line) and the street right-of-way line, only the following fences and walls are permitted except as stated in Section 4.5.2.c as to lots and other parcels having more than one front yard:
 - i. A substantially open decorative fence such as picket, split rail, wrought iron, or similar type fence with a maximum height of 36 inches and with posts not exceeding 42 inches. A substantially open decorative fence shall mean a fence which is at least 50

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.

- v. The type of fence or wall proposed and its resulting visual impact, given its proposed location.
 - vi. The extent to which the location and visual impact of the proposed fence or wall would be generally consistent with other fences or walls, if any, on adjacent lots or other parcels.
 - vii. The identified need of the property owner for the installation of the proposed type of fence or wall at the proposed location.
 - viii. The potential changes in the type, height and location of the proposed fence or wall that could be made, yet still reasonably accomplish the property owner's need and desire for the fence or wall.
- e. A fence, wall or any planting shall not be erected, planted or maintained in such a way as to create a sight obstruction for persons using street intersections.
 - f. Fences or walls shall not be erected within any public street right-of-way or private street right-of-way.

3. Design, Construction, Appearance and Other Matters.

- a. Any fence or wall shall be of uniform design, construction and appearance and sturdily constructed to withstand normal weather conditions.
- b. All fences and walls shall be erected and maintained so as not pose a safety hazard.
- c. Fences and walls which exceed the maximum height otherwise permitted may be permitted if the zoning administrator determines, upon evidence submitted by the applicant, that such fence is necessary for a special purpose, such as for swimming pools, tennis courts or athletic fields.
- d. Fences and walls included as part of special land uses shall comply with such fence or wall requirements as determined by the Planning Commission.
- e. Barbed-wire fences and above ground electrically charged fences are prohibited in all zoning districts except that they may be permitted for approved farm uses and for the keeping of horses as approved by the Zoning Board of Appeals.
- f. The height of a fence or wall shall be measured as the vertical distance from the highest point of the fence or wall to the finished grade of the ground immediately beneath the fence or wall, excluding any artificially constructed earthen berms.

- 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

and authorize the preparation of a final development plan in accordance with Sections 13.9 and 13.10.

Section 4. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 13.9, to read in its entirety as follows:

Section 13.9 Submission of Final Development Plan. After receiving the recommendations and suggestions of the Planning Commission on the preliminary development plan, the applicant shall submit not less than 11 sets of a final development plan to the Township zoning administrator. The zoning administrator shall forward a set of the plans to each member of the Planning Commission, the Township engineer, Township fire chief, and others as determined by the Planning Commission, for their review of the proposed PUD.

1. [Delete numeral; revise as stated above.]
2. [Delete]

Section 5. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 13.10, as follows:

Section 13.10.Final Development Plan. The final development plan shall be labeled as such and shall include all of the information required for submission of the preliminary development plan and all additional information which was requested by the Planning Commission as a result of its review of the preliminary plan. The final plan shall incorporate all recommendations of the Planning Commission pursuant to the Commission's review of the preliminary plan, or shall indicate how the final plan fails to incorporate the Commission's recommendations. The final plan shall also include and reflect all changes in preliminary plan data since the submission of the preliminary plan. In addition, the final plan submittal shall include the following:

1. A survey or other dimensioned professional drawing of the property requested for rezoning, prepared and sealed by a professional surveyor, engineer, architect or similar licensed land use professional.
- 2.-6. [No change]

PART E
MISCELLANEOUS ZONING ORDINANCE AMENDMENTS

Section 1. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Table 10.5 of Section 10.5, Minimum Yard and Maximum Height Requirements, of Chapter 10, C-2 Suburban Office District, to amend line 1 thereof, to read in its entirety as follows:

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: Van Popering, Yeiter, Christopoulos, DeVries, Pierangeli, Robinette

NAYS: None

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: April 2, 2019

Second Reading: April 16, 2019

Ordinance becomes effective: May 2, 2019