

ORDINANCE NO. 2018-6

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN BY ADDING SECTION 3.17 – SETBACKS TO PUBLIC UTILITIES; AMENDING SECTIONS 9.02 – PERMITTED USES; 9.03G – USES REQUIRING SPECIAL APPROVAL, 9.05A – FRONT YARD, 9.05B3 – SIDE YARD, 9.05D3 – LOT AREA AND WIDTH; ADDING SECTION 9.06F – MINIMUM FLOOR AREA, AND SECTION 9.07I – ADDITIONAL REGULATIONS; AMENDING SECTIONS 14.02F – RESTAURANTS, DELICATESSENS, COFFEE HOUSES INCLUDING SIT-DOWN AND CARRYOUT ESTABLISHMENTS EXCLUDING THOSE WITH DRIVE-IN OR WITH DRIVE-THROUGH FACILITIES, 14.03D – USES REQUIRING SPECIAL APPROVAL, 21.04B – PARKING LOT CONSTRUCTION REQUIREMENT, 21A.03E – GENERAL REGULATIONS, 21A.03G – GENERAL REGULATIONS; ADDING SECTION 21A.03H – GENERAL REGULATIONS; AMENDING SECTIONS 21A.04A1 – GREENBELT REQUIREMENTS, 21A.04A4 – GREENBELT REQUIREMENTS, 21A.04F1 – FRONT YARD LANDSCAPING, 21A.04G – OFF STREET PARKING AREA LANDSCAPING REQUIREMENTS; ADDING SECTIONS 21A.05 – DRIVE-UP, DRIVE-IN, AND DRIVE-THROUGH RESTAURANTS, 21A.06 – TOWNHOUSE DEVELOPMENTS, MULTIPLE-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENT SITES DESIGNED FOR TWENTY-FIVE (25) OR MORE DWELLING UNITS, OR OTHER MAJOR RESIDENTIAL DEVELOPMENTS; AMENDING SECTIONS 23.04 – DRIVE-UP, DRIVE-IN AND DRIVE-THROUGH FACILITIES, SECTION 23.06I – LANDSCAPE SETBACK, 23.12BB5 – PRIVATE ROADS AND STREETS, AG AGRICULTURAL AND RURAL ZONING DISTRICT, 23.14C – STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY STRUCTURES AND; ADDING SECTION 27.07 – PRE-CONSTRUCTION MEETING AND PUBLIC UTILITIES, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Setbacks to Public Utilities. Article 3 of the Allendale Charter Township Zoning Ordinance shall be amended to add Section 3.17 which shall state in its entirety as follows.

For residential lots created by a land division pursuant to Section 108 of the Michigan Land Division Act, Act 288 of 1967, as amended, a Planned Unit Development, a Condominium Project, a plat pursuant to the Allendale Charter

Township Subdivision Ordinance, or any other means after June 10, 2018, and which lots are connected to public water and or public sanitary sewer, side yard setbacks shall be no less than ten (10) feet to any residential accessory building or residential principal building where a public utility line is present or is planned to be installed within the required side yard.

Section 2. Permitted Uses. Section 9.02 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Land in the R-3 Zone may be used for the following purposes only:

- A. One single family dwelling on each lot.
- B. One two-family dwelling on each lot.
- C. Developments with twenty-five (25) or more dwelling units provided that public sanitary sewer and public water supply utilities are installed. See also Section 23.06.
- D. Permitted accessory uses and buildings as regulated by Section 3.11.
- E. Home Occupation as an accessory use as regulated in Section 23.07.

Section 3. Uses Requiring Special Approval. Section 9.03G of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Multi-family developments with less than twenty-five (25) dwelling units or multi-family developments on a parcel less than four (4) acres in area. Public water and sanitary sewer service are required. See Section 9.07.I.

Section 4. Front Yard. Section 9.05A of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

FRONT YARD. The uniform setback provisions of Section 3.03 B shall apply to all residential buildings, structures and additions. If a uniform setback does not exist, the front yard setback shall be not less than forty (40) feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50) feet, and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60) feet. Notwithstanding the provisions of the immediately preceding sentence, (i) a lot (see definition in Section 32.13) which is of record as of July 28, 1998 or (ii) any lot included in a proposed plat, building envelope or site in a proposed site condominium, or building site located in any other type of development which is on file with the Township as of July 28, 1998, shall only be required to have a front yard setback of forty (40) feet; and shall not be required to have a front yard setback of fifty (50) feet if on a primary street or sixty (60) feet if on a major arterial street. For single family dwelling units the minimum front yard shall be twenty-five (25) feet subject to the provisions noted above in this subsection 9.05.A.

Section 5. Side Yard. Section 9.05B3 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

SINGLE FAMILY DWELLINGS. The minimum side yard shall be a total of sixteen (16) feet with a minimum of six (6) feet on one (1) side.

Section 6. Lot Area and Width. Section 9.05D3 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

SINGLE FAMILY DWELLINGS. The minimum lot area shall be 6,500 square feet with a minimum lot width of 65 feet.

Section 7. Minimum Floor Area. Section 9.06 of the Allendale Charter Township Zoning Ordinance shall be amended to add Section 9.06F which shall state in its entirety as follows.

Each single-family dwelling in this zone shall have a minimum finished habitable floor area, above exterior finished grade, of nine hundred (900) square feet. Each dwelling unit shall have a minimum of twenty-four (24) feet of width for a minimum of twenty-four (24) feet in length. Each dwelling shall be constructed with an attached garage a minimum of four hundred and eighty-four (484) square feet.

Section 8. Additional Regulations. Section 9.07 of the Allendale Charter Township Zoning Ordinance shall be amended to add Section 9.07I which shall state in its entirety as follows.

For multi-family developments with less than twenty-five (25) dwelling units or multi-family developments on a parcel less than four (4) acres in size the following regulations shall apply:

1. A building shall contain no more than four (4) dwelling units. However, the Planning Commission may approve a building with up to eight (8) dwelling units. In making a determination to allow more than four (4) dwelling units per building the Commission shall consider the following criteria:
 - a. Whether the proposed height of the building is compatible with the height of nearby dwellings on adjacent property.
 - b. Whether the proposed location of the building and / or existing or proposed landscaping would lessen the visual impact of the building on residents of nearby dwellings on adjacent property.
 - c. Whether the proposed architectural style of the building, including exterior materials, is compatible with existing dwellings on adjacent properties.

- d. Whether the number, size and location of the proposed buildings would be a visual compatible fit with the surrounding neighborhood.
2. Orientation of buildings. Multi-family buildings shall be oriented or constructed so that open balconies and patios do not directly face an abutting R-1 zoning district or an abutting property recommended for Low Density Residential use in the Allendale Charter Township Master Plan in order to limit the noise impact on nearby single-family residents.
3. Landscaping.
 - a. Whenever multi-family buildings abut a parcel in an R1, R2, R3, MHP or PUD Zone containing single family dwellings or adjacent property recommended for single family land use in the Township Master Plan a greenbelt shall be provided in accordance with the requirements of Section 21A.04.D and H.
 - b. Front yard landscaping shall comply with the requirements of Sections 21A.04.F and G except for the reference to Section 23.06 contained in Section 21A.02.G.
4. An off-street parking lot serving a non-residential use which abuts an R-1, R-2 Zone or an R-3 Zone containing single family dwellings or adjacent land recommended for residential land use in the Township Master Plan shall be setback a minimum of thirty (30) feet from the lot line separating the districts or uses. A greenbelt shall be provided within the fifteen (15) feet nearest the property line in accordance with the greenbelt requirements of Section 21A.04.D.
5. The Planning Commission shall have the authority to require greater building setbacks than the minimum required by this Section if such greater setbacks will reduce the impact of multifamily buildings on adjacent single family uses.

Section 9. Restaurants, delicatessens, coffee houses including sit-down and carryout establishments excluding those with drive in or with drive through facilities. Section 14.02F of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Restaurants, delicatessens, coffee houses including sit-down and carryout establishments excluding those with drive in or with drive through facilities.

1. Outdoor dining is permitted where such dining does not encroach upon a minimum of five feet of unobstructed sidewalk space adjacent to the curb.

2. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including plant material.
3. The minimum lot size is one acre with a minimum of 200 feet of lot width.
4. Any outdoor dining activity proposed for a public side walk or elsewhere in a road right of way must first be approved by the Allendale Charter Township Board.

Section 10. Uses Requiring Special Approval. Section 14.03D of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Restaurants with drive through facilities. Outdoor dining is permitted pursuant to section 14.02.F.

1. The minimum lot size is one acre with a minimum of 200 feet of lot width.
2. Waiting areas for any terminal or intercom system shall be sufficient to assure that roads, sidewalks, or other public access routes will not be obstructed by waiting automobiles at any time.

Section 11. Parking Lot Construction Requirement. Section 21.04B of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

The required front yard setback area for a multi-family project shall be maintained as landscaped green area according to the requirements of Section 21A.06 herein. In cases of difficult topography, the Zoning Administrator may allow the parking lots to extend into the front setback area provided that the average of front set back areas totals at least thirty (30) feet from any public street right-of-way. In no case shall the parking lot be any closer than ten (10) feet to a public right of way.

Section 12. General Regulations. Section 21A.03E of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

All landscaping areas shall be kept free of refuse and debris and shall be provided with irrigation sufficient to maintain such areas in a healthy and growing condition. In particular, an underground irrigation system shall be installed to serve all grass areas including grassed landscape islands.

Section 13. General Regulations. Section 21A.03G of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Landscaping shall be arranged so as not to obscure traffic signs, fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances. A clear space of not less than five (5) feet shall be provided in front of and completely around all fire hydrants, manholes, service boxes, and valve boxes. The clear space shall be free of all obstructions such as parked cars, landscaping at maturity, utilities, service vehicles, construction work, snow and similar items.

Section 14. General Regulations. Section 21A.03H of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

The surface area immediately above public utilities such as water mains and sanitary sewers, shall remain clear and free from landscape plantings and other obstructions for a minimum distance of ten (10) feet from each side of the utility infrastructure.

Section 15. Greenbelt Requirements. Section 21A.04A1 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Wherever a non-residential zoning district or a non-residential use in a PUD zoning district abuts an AG, RE, Residential, MHP, a PUD Zone containing residential uses or an area recommended for residential land use in the Township Master Plan.

Section 16. Greenbelt Requirements. Section 21A.04A4 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Wherever multi-family buildings abut an R1, R2, R3, MHP or PUD Zone containing single and two family dwellings or an area recommended for single or two family land use in the Township Master Plan. See Section 21A.05 herein for specific landscaping requirements.

Section 17. Front Yard Landscaping. Section 21A.04F1 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

For each one hundred fifty (150) feet or whole increment in length of road frontage two (2) deciduous or evergreen trees or combination thereof, two (2) ornamental trees, and three (3) shrubs for each tree shall be planted within the front yard.

Section 18. Off Street Parking Area Landscaping Requirements. Section 21A.04G of the Zoning Ordinance shall be amended to state in its entirety as follows.

1. All parking areas having twenty (20) or more parking spaces shall be landscaped according to the following minimum requirements;

- (i) A minimum of twenty (20) square feet of landscaping for each parking space shall be provided. The required landscape area shall consist of a combination of islands within the parking lot and landscaping located on the perimeter of the parking lot outside of the street right of way. Such landscape areas shall consist of stone, grass, mulch, ground cover shrubs, or trees and be protected from vehicle access by the installation of raised concrete curb, parking blocks, or other similar methods.
 - (ii) Landscaping islands shall generally be placed at the end of parking rows to better define driving lanes and create safe sight lines for drivers. Where practical such islands shall also be dispersed throughout the parking lot in order break up large expanses of paved surfaces and provide areas for shade trees. Each landscape island shall be a minimum of six (6) feet wide and shall contain at least one (1) canopy tree. Landscape islands containing a fire hydrant shall be at least ten (10) feet wide.
 - (iii) One (1) canopy or ornamental tree for every twenty (20) parking spaces, with a minimum of two (2) trees, shall be planted adjacent to and within the parking area.
2. In addition to the front yard landscaping requirements of this Section, except for multi-family projects pursuant to Section 23.06 herein, all front yard parking areas shall be screened from view from the road right-of-ways by the following measures:
- (i) A continuous landscaped hedge with a minimum height of twenty-four (24) inches at planting with a minimum height of three (3) feet at maturity consisting of plant material that will maintain its green foliage year round along the entire length of the parking area or;
 - (ii) A solid wall not less than three (3) feet high which shall consist of brick, block, stone, or materials similar to the exterior materials of the building on the site or;
 - (iii) A combination of (i) and (ii) above.
3. Landscaping that is required for green belts and front yard landscaping and which abuts off-street parking areas may substitute for up to fifty (50%) percent of the required parking lot landscaping.
4. Trees shall be located to prevent damage by motor vehicles.

5. All parking lot landscaped areas shall be located so as not to impede drainage or traffic circulation.

Section 19. Drive-up, Drive-in, and Drive-through Restaurants. Article 21-A of the Allendale Charter Township Zoning Ordinance shall be amended to add Sections 21-A.05 which shall state in its entirety as follows.

Drive-up windows and waiting areas for any terminal or intercom must be screened from adjoining properties and road rights-of-way by internal landscaping such as landscaped islands or other appropriate year around screening.

Section 20. Townhouse Developments, Multiple-Family Developments, Mobile Home Development Sites Designed for Twenty-Five (25) or More Dwelling Units, or Other Major Residential Developments. Article 21-A of the Allendale Charter Township Zoning Ordinance shall be amended to add Sections 21-A.06 which shall state in its entirety as follows.

All development sites must maintain a minimum fifty (50) foot wide front yard landscaped setback from all existing or proposed public streets or private roads, and a minimum twenty-five (25) foot wide landscaped setback from all adjoining properties. All landscaped setback areas shall include a twenty (20) foot wide planting strip containing, at a minimum, all of the following:

1. All multi-family dwelling development sites shall provide a landscaped area as noted below. All such landscaped areas shall comply with the requirements of Section 21A.06.2 and 3 herein.

a. Front yard.

A minimum one hundred (100) foot wide landscaped front yard if the multi-family dwelling development is across the street from an R-1 zoned parcel or parcels or land which is recommended for Low Density Residential use in the Allendale Charter Township Master Plan.

b. Side and rear yards.

(1) A minimum one hundred (100) foot wide landscaped area shall be provided along those side and rear lot lines which abut R-1 zoned parcels or land which is recommended for Low Density Residential use in the Allendale Charter Township Master Plan.

(2) A minimum fifty (50) foot wide landscaped area shall be provided along those side and rear lot lines which abut parcels which are not zoned R-1 and which contain existing single or two family dwellings.

- (3) A minimum twenty-five (25) foot wide landscaped area shall be provided along for all other side and rear lot line.
2. The required yard areas above shall be landscaped according to the following requirements:
 - a. At least one straight or staggered row of trees with a minimum caliper of two (2) inches and a minimum height of six (6) feet at the time of planting and spaced not more than twenty (20) feet apart. Not more than one third (1/3) of the trees shall be of the same species and type. At least one half (1/2) of the trees shall create an evenly spaced visual buffer year round.
 - b. The number of shrubs required shall be a minimum of one half (1/2) of the number of trees required. At least two thirds (2/3) of the shrubs shall be at least three (3) feet high at the time of planting, spaced not more than eight (8) feet apart and which are expected to ultimately grow to be at least eight (8) feet in height.
3. All landscaped setbacks shall be free from encroachment from buildings, structures, decks, accessory structures, trash enclosures, water ponds, detention or retention areas, recreational facilities and fields, pedestrian or bicycle trails, parking and/or loading areas.
4. Multifamily buildings shall be oriented or constructed so that open balconies do not face abutting R-1 zoning districts even if the R-1 zone is across a public or private street or areas recommended for Low Density Residential use in the Allendale Charter Township Master Plan in order to limit the noise impact on nearby single family residents.
5. The applicable requirements of Article 21-A herein shall apply to the above landscaping including Section 21A.02.C which allows modification of these landscaping requirements.

Section 21. Drive-up, Drive-in and Drive-through Facilities. Section 23.04 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Any use intended to serve customers while they remain in their vehicles (e.g. drive-in theaters, and drive-in churches) shall conform to the following standards.

- A. Drive-In Theaters. For drive-in theaters, the following standards apply:
 1. Minimum area of a drive-in theater site is to be ten (10) acres, with direct access from an arterial road.

2. Projection screens and parking areas shall be at least one hundred (100) feet from any street and three hundred (300) feet from any residential property. The face of any projection screen may not be visible from any street within a distance of one thousand (1,000) feet.
3. All areas used by vehicles must be provided with a paved bituminous surface. Drives and aisles are to be adequately lighted whenever used and shall not produce glare onto adjoining properties and streets.
4. Individual loudspeakers for each car must be provided. There may be no central loudspeaker.
5. Entrances, exits, and access points are to be visible for five hundred (500) feet on the street where they are located and separated by at least one hundred fifty (150) feet. At least two (2) access drives must be provided; where two (2) or more such drives open on the same street, acceleration and deceleration lanes ten (10) feet wide and five hundred (500) feet long are to be provided adjacent to such streets. Access drives shall be laid out so as to avoid left turns across on-coming lanes as much as possible.
6. Ticket gates or booths must be set back sufficiently from the street to allow reserve space off the street for waiting cars equal to fifteen percent (15%) of the theater's capacity. One ticket gate or booth must be provided for each three hundred (300) car capacity.
7. Screening is required within one hundred (100) feet of any residentially zoned property, particularly at points along access roads or at the end of such roads where screening of automobile headlight glare is necessary to protect adjacent residents or uses.
8. Food concessions are to be at least five hundred (500) feet from any residentially zoned property.

B. OTHER DRIVE-UP, DRIVE-IN AND DRIVE THROUGH FACILITIES.

All other facilities for drive-up, drive-in or drive through customer service are subject to Site Plan Review to assure the following:

1. Access must be such that vehicles patronizing the use will not interfere with normal traffic on a street, parking lot driveway, or loading access drive.

2. Waiting areas for any terminal or intercom system must be sufficient to assure that roads, sidewalks, or other public access routes will not be obstructed by waiting automobiles at any time.
3. Year around screening of the drive-up window and waiting areas for any terminal or intercom must be provided.

Section 22. Landscape Setback. Section 23.06I of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

[Reserved]

Section 23. Private Roads and Streets, AG Agricultural and Rural Zoning District. Section 23.12BB5 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

The private road shall comply with the provisions of Section 23.12B4, Sections 23.12B5, and 23.12B6 above but shall be exempt from the provisions of Sections 23.12B1, 23.12B2, and 23.12B3.

Section 24. Standards for Single-Family and Two-Family Structures. Section 23.14C of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Storage Areas Required.

All dwelling units shall provide enclosed storage space (either within a basement or in an attic or in a separate, fully enclosed accessory structure) of not less than fifteen percent (15%) of the living area of the dwelling unit. The storage areas shall be provided in addition to the area devoted to the storage of automobiles. Storage areas in the basement, attic or separate accessory building shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this ordinance.

Section 25. Pre-Construction Meeting and Public Utilities. Article 27 of the Allendale Charter Township Zoning Ordinance shall be amended to add Section 27.07 which shall state in its entirety as follows.

For any plat, condominium development, planned unit development, major residential development pursuant to Section 23.06 of this ordinance, or other relevant project, at no time shall a preconstruction meeting be held or scheduled until all permits have been issued by the State of Michigan including but not limited to, a water and or sewer permit for the project. Water meters shall not be provided and building or utility connections shall not be permitted until substantial

completion has been achieved as defined within the Standard Construction Requirements of the Township.

Certificates of Occupancy shall not be issued until the completion of public utilities, as defined by the Township, and acceptance of ownership of the system by the Township occurs.

Section 26. Severability. This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of this Ordinance.

Section 27. Effective Date. This amendment to the Allendale Charter Township Zoning Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan on _____, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on May 29, 2018, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on _____, 2018, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Valley Advance* as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Adam Elenbaas, Township Supervisor

Laurie Richards, Township Clerk