

**RESTATEMENT OF ORDINANCE 2007-13
ALLENDALE CROSSINGS PUD
OF THE ALLENDALE CHARTER TOWNSHIP ZONING ORDINANCE
ZONING TEXT AMENDMENT ORDINANCE NO. 2017-11**

AN ORDINANCE TO RESTATE THE ALLENDALE CROSSINGS PLANNED UNIT
DEVELOPMENT ORDINANCE, ORDINANCE 2007-13, OF THE CHARTER TOWNSHIP
OF ALLENDALE,
TO PERMIT O'REILLY AUTO PARTS.

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

Section 1. Ordinance 2007-13. Ordinance 2007-13 adopted by the Township Board of the Charter Township of Allendale (the "Township") on October 22, 2007 and subsequently amended by administrative approval on May 11, 2011, entitled the Allendale Crossings PUD, is hereby restated and shall read in its entirety as follows.

Section 1. PUD Development Plan Approval. The Preliminary PUD Development Plan for the Allendale Crossings Development (the "PUD") dated October 4, 2007, Project No. 06101729, Sheet No# L10b.7, Sheet 1 of 2, and the Landscaping Plan dated October 8, 2007, Sheet No# L10.7, 2 of 2, prepared by Mark Winters of Twin Lakes Nursery Inc. is, pursuant to Zoning Ordinance Section 12.03.D., hereby approved. In the event of a conflict between that plan and this Ordinance, the provisions of this Ordinance shall control.

A. Final PUD Development Plan Approval

1. The Final Development Plan for Allendale Crossings PUD is project no. 06101729 prepared by Nederveld with revision date of 02/22/08 and stamped "Approved" on 3-18-08 page P2.2, page A1.01, page P1.0, page P1.1, two (2) elevation documents prepared by GPD Group and Drawing No. 2007090.16 page 1 prepared by GPD Associates (the "Allendale Crossings PUD").
2. The Final PUD Development Plan for O'Reilly Auto Parts includes site plan sheets SP-1.0 dated 05.12.17 prepared by Burkhardt Engineering, SP-1.1 entitled "Site Plan" dated 07.14.17 prepared by Burkhardt Engineering, SP 1.1 entitled "Optional Site Plan Connecting to West" dated 07.14.17 prepared by Burkhardt Engineering, L-1.0 and L-2.0 dated 6.01.17 prepared by Burkhardt Engineering together as Project No. 16.254 prepared by Burkhardt Engineering; floor plans dated 09/15/2017 prepared by Torgerson Design Partners, elevation plans dated 05/12/17 2017 prepared by O'Reilly Auto Parts Corporate Offices; dumpster enclosure plans dated 09/15/2017 prepared by Torgerson Design Partners; site signage plans dated 09/15/2017 prepared by Torgerson Design Partners (collectively "O'Reilly Auto Parts").

Section 2. Zoning Map Amendment. That the Zoning Ordinance and Map of the Charter Township of Allendale, Ottawa County, Michigan, that map having been incorporated by reference in the Zoning Ordinance pursuant to Section 4.02 is amended so that the lands described below shall be zoned as and included in the PUD Planned unit development are legally described as follows:

PART OF THE SOUTHEAST ¼ AND PART OF THE SOUTHWEST ¼ OF SECTION 24, T7N, R14W, ALLENDALE TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION; THENCE N00°25'55"W 330.00 FEET ALONG THE N-S ¼ LINE OF SAID SECTION TO THE POINT OF BEGINNING; THENCE N00°25'55"W 120.00 FEET ALONG SAID N-S ¼ LINE; THENCE S88°52'53"E 667.52 FEET ALONG THE NORTH LINE OF THE SOUTH 450 FEET OF THE SOUTHEAST ¼ OF SAID SECTION; THENCE S00°24'41"E 358.53 FEET ALONG THE EAST LINE OF THE WEST ½ OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION; THENCE N88°56'56"W 667.37 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF LAKE MICHIGAN DRIVE (HIGHWAY M-45) TO SAID N-S ¼ LINE; THENCE WEST 198 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 239 FEET, MORE OR LESS ALONG THE WEST LINE OF THE EAST 198 FEET OF THE SOUTHWEST ¼ OF SAID SECTION TO THE NORTH LINE OF THE SOUTH 330 FEET OF THE SOUTHWEST ¼ OF SAID SECTION; THENCE EAST 198 FEET ALONG THE NORTH LINE OF THE SOUTH 330 FEET OF THE SOUTHWEST ¼ OF SAID SECTION TO THE POINT OF BEGINNING. CONTAINING 6.59 ACRES. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD.

Section 3. Purpose and Intent. This PUD (Planned Unit Development) Zone District is proposed as a seven (7) unit condominium development with certain general common areas that include landscaping, travel lanes and pedestrian walks. This development was carefully crafted to create a friendly, social and pedestrian friendly restaurant and retail environment that offers connectivity to the adjoining neighborhoods, consistency in neighborhood appearance with special attention given to aesthetics, durability and lasting value. All sites and structures within the PUD will be designed for adaptability for many alternate uses.

Section 4. Permitted Uses. Land or buildings located in the PUD zone may be used for the following purposes only:

A. The following Commercial uses:

1. Bakery, delicatessen and confectionary stores including catering service.
2. Office for banks, mortgages, loans and savings including drive-up, drive-through or drive-in services.
3. Restaurants including drive-in, drive-up, or drive-through and including outdoor seating.
4. Offices with limited retail and wholesale sales and service including supplies.
5. Offices for mailing, packaging and shipping, including printing and publishing services.
6. Clinics for dental, optical and medical including laboratories.
7. Florist and gift shop.
8. Laundromat including dry cleaning.
9. Dance studio and photographic studio.
10. Furniture and appliance store.
11. Floor coverings and wall coverings store.
12. Stores for resale or consignment including antiques.
13. Contractors offices including showroom and retail sales provided all services, displays and storage is conducted within a completely enclosed structure.
14. Sign painting and servicing shops provided all operations and storage are completely enclosed within a building.
15. Automobile parts store.
16. Business or trade school provided all operations and training is done within a completely enclosed structure.
17. Veterinarian office and animal hospital including overnight stay, provided all operations are completely enclosed within a building.
18. Locksmith.
19. Music store.
20. Parking lots.
21. Broadcasting and/or recording studios for radio, TV and other media.
22. Radio and TV sales and repair.
23. Taxidermist.
24. Health and fitness center.
25. Nursery school and day nurseries.
26. Department stores including discount stores.
27. Pool hall or billiard parlor.
28. Barber or beauty shop.
29. Bicycle sales and repair store.
30. Book, stationary or gift store.
31. Candy store, soda fountain and ice cream store.
32. Drug store or pharmacy.
33. Grocery store and meat market.
34. Hardware store.
35. Shoe store and shoe repair.
36. Clothing store including tailor.

The following uses are limited to site #5 only as reflected on the PUD Preliminary Development

Plan referenced in Section 1 of this ordinance and not permitted on any other site within this PUD Zone District.

1. Automobile fuel station including convenience stores with no outdoor storage or sales.
2. Automobile wash establishments provided all operations are completely enclosed within a building.
3. Motorcycle sales provided all operations are completely enclosed within a building.
4. Tire store and related activities provided all operations are completely enclosed within a building.

The following uses are limited to sites #6 and #7 only as reflected on the PUD Preliminary Development Plan referenced in Section 1 of this ordinance and not permitted on any other site within this PUD Zone District.

1. Miniature golf including batting cages.

Section 5. Additional Development Standards. The following standards shall be included, reflected, and shown in detail in all PUD Final Development Plan submittals.

- A. Landscape: A landscaping plan shall be prepared and sealed by a registered landscape architect and shall bear the seal of the architect and shall be prepared on a separate sheet.
 1. To the extent feasible, the approved landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
 2. The current property owner shall be responsible for the maintenance of the landscaping as originally approved and installed. This requirement includes the mowing of grass, weeding, irrigating, fertilizing, and pruning. Grass areas landscaped in conjunction with buildings or parking lots shall not exceed four (4) inches in height. Ground cover areas designed for future development shall not exceed eight (8) inches in height.
 3. Landscape materials which exhibit evidence of insects, pests, diseases, and/or damage shall be promptly and appropriately treated and all dead plant material shall be promptly removed and replaced with living plant material.
 4. 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.

5. The landscaping plan shall include detail of landscaping and ground cover on all undeveloped sites when the development is done in phases.
- B. Drives, Parking, and Circulation: With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and structures and the neighboring properties.

1. Parking Area Locations.

- a. All parking areas shall be located to the side or rear of the principal building or extensively screened from view from the road right-of-way in accordance with this PUD Ordinance. In the case of a group or a cluster of buildings, which together constitute a principal use within the development, it is recommended that the development be designed with internal parking while using the building cluster or grouping to "enclose" the parking lot.

The development shall be designed to give attention to the principal use and buildings not parking lots. By locating the parking to the side and rear and siting the buildings to the front, the development will become more pedestrian friendly, create a development facade with high quality aesthetically pleasing buildings, become community and neighborhood connected both physically and socially, give lasting value to the quality of life of the townships residents, and places the residents and neighborhoods ahead of the drive through vehicle traffic.

- b. Site #5 of the Allendale Crossings PUD shall locate 23 parking spaces in the front of the building and provide landscaping as illustrated on the O'Reilly Auto Parts Final Development Plan. Upon construction of access drives to the property to the west of Site #5 as described in Section 5.B.7, the number of parking spaces in front of the building may be reduced to 17 and the removed parking spaces shall be relocated to the north side of the building as shown on page SP1.1 – Optional Site Plan Connecting to West. For purposes hereof, the spaces in front of the building shall be deemed to include all of those spaces south of a line extending east and west from the southernmost face of the building.
2. All internal landscaped areas shall be located so as not to impede drainage or traffic circulation.
 3. All parking area and travel lane perimeters shall be constructed with continuous concrete curbing.
 4. The developer shall install sidewalks, designed to Ottawa County Road

Commission or Michigan Department of Transportation standards, (as applicable) along the development side of all public streets on which the development has frontage. In cases where a sidewalk, or a portion of a sidewalk, is outside of the public street right-of-way, a public easement for sidewalk purposes is required.

5. All front yard travel lanes shall be screened from view from the road right-of-ways by a landscaped hedge, a minimum of three (3) feet high, at the time of planting, consisting of plant material that will maintain its green foliage year around. Constructed in with the hedge, shall be a wall, which shall consist of brick, block, stone, iron fencing or a combination of the same which shall also be used as signage display walls for sites 1 through 5.
6. Site #5 of the Allendale Crossings PUD shall provide two internal access lanes and related landscaping as illustrated on the O'Reilly Auto Parts Final Development Plan in lieu of a separate front yard travel lane.
7. In the event that, as a condition of the redevelopment of the property to the west of Site #5 (P.P. 70-09-24-399-019, hereafter referred to as the "Adjacent Tract"), the Township requires such parcel to have access through the Allendale Crossings PUD, Site #5 owner agrees that it grant and will not withhold its consent for such access conditioned upon the adjacent property owner granting Site #5 reciprocal access through the Adjacent Tract. The Site #5 owner and the owner of the Adjacent Tract shall then enter into a joint maintenance agreement concerning the shared drives, whereby each owner will be required to maintain the portion of the shared drives which is on the property owned by each respective owner.
8. The PUD Development shall include a pedestrian walkway adjoining the developments buildings front walls and running the length of the front walls and interconnected to the pedestrian walkway(s) along the public or private roads and driveways. All developments shall include walkways along public or private roads and driveways, both internal and external to the development. However, Site #5 of the Allendale Crossings PUD shall be excluded from installing a sidewalk along the driveway apron to Lake Michigan Drive. All walkways shall include lighting, benches, and adjoin landscaping strips.
 - a. All Commercial retail mercantile and service establishments shall have storefront walkways as provided below, excluding Site #5 of the Allendale Crossings PUD, which shall install the sidewalk as provided on the O'Reilly Auto Parts Final Development Plan.
 1. All storefront pedestrian walkways are to be a minimum of fourteen (14) feet wide of which the first two (2) feet will be the curb zone, the next four (4) feet will be the tree, light and furniture zone, the next six (6) feet will be the pedestrian zone

and the two (2) feet against the building to be a frontage zone.

- a. All pedestrian store front furniture zones shall include columnar deciduous trees a minimum of thirty (30) feet on center, located in the center of the furniture zone and protected by landscape planters or grates and are to be two (2") inch caliper at the time of planting. The furniture zone shall also include pedestrian lighting, trash receptacles, and pedestrian benches. Any pedestrian crossings through the furniture zone shall be constructed with stamped concrete or brick pavers and be a minimum of five (5) feet wide with dubbed down curb.

b. Internal Walkways

1. Internal walkways shall interconnect the storefront walkways and the pedestrian walkways along the public or private roads and driveways.

- a. All internal pedestrian walkways when extending through the parking driveways shall be continuous through the driveways and constructed of dissimilar materials than that of the parking lot or driveway ie: colored and/or stamped concrete, brick pavers, etc. The planning commission may require additional lighting along the internal pedestrian walkways if additional walkway lighting is necessary to avoid any dark areas. All such walkways shall be a minimum of five (5) feet wide.

- b. External pedestrian walkways shall be installed to interconnect the structures and the public way. All such walkways shall be a minimum of five (5) feet wide, run continuous through the driveways and be constructed of dissimilar material than that of the driveway ie: colored and/or stamped concrete, brick pavers, etc.

- C. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Temporary on-site storage to reduce peak run-off from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

- D. Utility Service: New electric and telephone distribution lines shall be underground. Any existing utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site. Connection to public sewer and water facilities in accordance with township standards shall be provided.
- E. Advertising Features: The size, location, and lighting of all permanent signs and outdoor advertising structures or features shall be shown on the development plan.
- F. Special Features: Outdoor mechanical equipment, rooftop mechanical equipment, service areas, and similar accessory areas shall be subject to such, location, wall screening, screen planting, or other screening methods as may reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties. In the case of roof top equipment, all building elevation plans shall include exterior wall parapets, a minimum of four (4) feet high, measured vertically up from the roof top to which the equipment is stationed. All building exterior elevations plans must include these parapet walls to screen any existing or future roof top equipment. All ground mounted equipment, shall be shown on the development plans as well as the proposed appropriate screening and materials.
- G. Appearance: All building elevations shall include certain designs, textures, colors, or architectural treatments which produce a harmonious, substantial, distinctive, and inviting appearance with beauty of materials and architectural design creating a strong, sturdy, adaptable and lasting environment.

The following materials represent and advance the intent and objective of the above descriptions.

Brick, architectural masonry block, stone, hardi plank cement board and glass. These materials shall be used to complete all exterior walls. Every attempt should be made to avoid creating an "ugly side" or to avoid a "that's only the rear wall" approach. Glass should be limited to not more than forty (40%) percent of the wall area.

The imposing of masonry requirements enhances the durability and aesthetic value, increases the attractiveness (both economically and physically) of the local community, benefiting both local residents and local business's.

- H. Waste Disposal Facilities. Each final development plan shall identify the location of one or more solid waste disposal facilities and provide design details for each solid waste disposal facility showing compliance with the following requirements.
 - 1. Dumpsters, Containers. All solid waste, including recycling materials, shall be placed in a dumpster or other appropriate container for pick-up. Every dumpster or container shall be equipped with a lid or other top covering.
 - 2. Enclosures. All dumpsters and other containers shall be placed in an enclosure constructed as follows:

- a. An enclosure shall be constructed with materials that match the materials used in the principal structure.
 - b. An enclosure shall provide a solid visual screen on all four sides.
 - c. The front of the enclosure shall be gated and shall be protected with steel bump guard posts at the front entrance area.
 - d. The interior back wall of the enclosure shall be protected with steel bump guard posts located at least one (1) foot and six (6) inches in from the interior of the side and back walls. The bump guard posts shall be spaced three (3) feet on center apart.
 - e. For an enclosure containing a single dumpster or other appropriate container, the minimum interior width of the enclosure shall be ten (10') feet and the minimum interior length shall be thirteen (13') feet. Enclosures containing more than one dumpster or container shall have a minimum interior length of thirteen (13') feet and a minimum interior width equal to the combined widths of the dumpster/container plus a minimum of two (2') feet clearance from each side wall of the enclosure.
 - f. All enclosures shall be located in the rear or to the side of the principal structure.
3. Access Lane. The development plan shall provide an open space as an access lane to an enclosure. Such access lane shall be paved and shall be parallel with and the same width as the outside width of the enclosure extending for a length of sixty (60) feet from the front of the enclosure.
 4. Turning Lane. The development plan shall also provide an open space connected to and more or less perpendicular to the access lane to provide an area in which waste hauling vehicles may maneuver to change direction in order that vehicles shall not back into or back out of the site from a road right-of-way. Such turning lane shall be paved and shall be a minimum of fourteen (14) feet in width and thirty-five (35) feet in length.

I. Parking restrictions.

- a. No parking spaces shall be permitted in the access lane or the turning lane of the dumpster enclosure.
- b. No overnight parking of any commercial service vehicles or any motor vehicle over one ton shall be permitted within this PUD Development, except for Site #5 of the Allendale Crossings PUD as illustrated on the O'Reilly Auto Parts Final Development Plan.

Section 2. Enforcement. The Township may enforce the provisions of this Ordinance and applicable provisions of the Zoning Ordinance, Building Code and other Ordinances, laws and regulations to the extent and in any manner provided by law.

Section 3. Publication/Effective Date. That the foregoing amendments to the Allendale Charter Township Zoning Ordinance were approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on _____, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended, and after introduction and a first reading on October 9, 2017, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective on _____, which date is more than 7 days after publication of the Ordinance as required by Section 401 of Act 110 of 2006, as amended, provided that the effective date shall be extended as necessary.

Laurie Richards, Clerk
Charter Township of Allendale

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing Allendale Charter Township Zoning Ordinance Amendment No. 2017-11 was adopted at a meeting of the Allendale Charter Township Board held on _____, 2017.

The following members of the Township Board were present at the meeting:

_____.

The following members of the Township Board were absent:

_____.

The Ordinance was adopted by the Township Board with members of the Board

voting in favor, and members of the Board

voting in opposition.

The Ordinance was published in the _____ on _____, 2017.

Laurie Richards
Township Clerk