

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, 1836 East Beltline Avenue, N.E., within the Township, on the 17th day of July , 2012, at 7:00 p.m.

PRESENT: Afendoulis, Merchant, Robinette, Roth, VanDyke, VanPopering

ABSENT: DeVries

The following Ordinance was offered by Member Merchant and seconded by Member VanPopering.

ORDINANCE NO. 489

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

[Temporary Use Permit for Limited Patio/Al Fresco Dining]

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the addition of Section 4.23, as follows:

Section 4.23. Temporary Use Permit for Patio/Al Fresco Dining (12 Patrons or Fewer). The Zoning Administrator may approve a temporary use permit for patio/al fresco dining for 12 patrons or fewer in the C, C-1 and C-2 Districts and in an existing development approved under the terms of the PUD-3, PUD-4, PUD-5, TC-PUD, NC-PUD, LC-PUD and HC-PUD Districts, in accordance with this Section.

1. The temporary use permit shall be approved only for a patio/al fresco dining area that will accommodate only 12 patrons or fewer and which is an accessory or incidental use to a permitted restaurant, coffee shop, ice cream shop or other permitted establishment that offers food for consumption on the premises.
2. The temporary use, if approved, shall be located only in an area owned, leased or otherwise under the legal control of the owner or

operator of the restaurant or other establishment, and shall be under its operational control.

3. The temporary use permit shall be applied for on a form provided by the Township, and the application or renewal fee, if any, shall be paid. The application shall include the following:
 - a. A written summary of the current restaurant use and the proposed patio/al fresco dining use.
 - b. A detailed description and drawing to scale of the outdoor area to be used for patio/al fresco dining.
 - c. Other specific information regarding the number of dining tables and chairs and other outdoor furniture or equipment.
 - d. Measures to be taken, if any, to assure adequate separation between the dining area and motor vehicle and pedestrian circulation.
 - e. If alcoholic beverages are to be consumed in the dining area, proof of the necessary state license for such purpose.
 - f. Other information necessary for the administrator to make an informed decision as to the requested temporary permit.
4. After receiving and evaluating a complete application, the Zoning Administrator shall approve the temporary use permit, shall deny it or approve it with conditions. If the application for the permit is denied, the Administrator shall state the reasons for the denial in writing.
5. The temporary use permit shall be for a duration of not longer than one year and may be renewed for subsequent periods of one year or less, if such renewals are approved by the Administrator. The temporary use permit may include terms and conditions, which may include the following:
 - a. The permitted number of patrons who may be accommodated and who will at any time be utilizing the patio/al fresco dining area, not to exceed 12 such patrons.
 - b. A limitation on the days and hours of operation of the dining area.
 - c. Limitation or prohibition on amplified recorded music or other sound amplification or live musical or other performance in or for the patio/al fresco dining area.

- d. Limitations or prohibition on outdoor lighting.
 - e. Measures to be taken to avoid conflicts with motor vehicle and pedestrian circulation and other safety measures, if needed.
 - f. Measures to be taken for control and removal of trash and debris; details on removal and storage of dining tables and chairs when not in use during the cold-weather months.
 - g. Measures to be taken to avoid other serious adverse effects on adjacent or nearby lands, by reason of excessive noise or other effects.
 - h. Other terms and conditions.
6. In determining whether to approve an application for the temporary use permit, the Zoning Administrator shall consider the following:
- a. Whether the patio/al fresco dining would be harmonious and generally compatible with adjacent and nearby land uses.
 - b. Whether the dining area and the tables, chairs and other aspects of the use will be established, arranged and operated in an orderly and safe manner, such as to avoid conflicts with motor vehicle and pedestrian circulation on or near the site of the establishment.
 - c. Whether the use would result in serious adverse effects on adjacent or nearby land uses, by reason of excessive sound, outdoor lighting, smoke, fumes or other adverse effects.
 - d. Whether the use would interfere with or discourage the orderly development and use of adjacent and nearby commercial buildings and other lands and approved uses.
 - e. Whether any required state and county licenses for the restaurant use and the patio/al fresco dining have been obtained and are in force.
 - f. Other considerations as to the reasonable establishment and operation of the proposed use.
7. An applicant may apply for a renewal of a previously-approved temporary use permit. The renewal may be for a duration of up to one year.

- a. In considering whether to approve the application for renewal, the Zoning Administrator shall consider whether and to what extent the applicant has complied with the previous permit, whether complaints have been received by the Township as to operations under the previous permit and other factors bearing on whether the permit should be renewed.
 - b. A renewal may be denied or limited if, based on previous performance, the Administrator determines that serious adverse effects would result if the use continues under a renewed permit.
 - c. In approving a renewal, the Administrator may impose the same conditions as approved previously, or revised or additional conditions, or any of them.
8. With respect to applications for the temporary use permit for patio/al fresco dining as a part of an approved dining establishment in a planned unit development, any such temporary use permit may be granted and may be renewed by the Zoning Administrator in accordance with the terms of this Section; no amendment of the planned unit development ordinance shall be required, nor shall the issuance of the permit be deemed a major or minor amendment in the planned unit development, except that the approved patio/al fresco dining shall be deemed permitted in the planned unit development, to the extent and according to the terms approved by the Administrator.
9. The Zoning Administrator may refer to the Planning Commission an original or renewal application for the temporary use permit, for consideration and decision by the Commission. In such a case, the application shall be approved, denied or approved with conditions by the Planning Commission at a public meeting, but a public hearing or special public notice shall not be required. In the consideration and decision of such an application, the Planning Commission shall consider the criteria stated in subsection 6 of this Section 4.23.

Section 2. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Sections 10.1, 11.1 and 12.1, pertaining to the C-2, C-1 and C Districts, respectively, by the addition of subparagraphs 12, 23 and 36 thereof, respectively, as follows:

Limited patio/al fresco dining if approved by the Zoning Administrator as a temporary use under the terms of Section 4.23.

Section 3. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Sections 10.3.1, 11.3.1 and 12.3.1, pertaining to the C-2, C-1 and C Districts, respectively, so that each of such subsections shall read as follows:

Unless specifically authorized by the Planning Commission as a special **land** use, all business, service or processing shall be conducted wholly within a completely enclosed building, except patio/al fresco dining approved under the terms of a temporary use permit issued by the Zoning Administrator under the terms of Section 4.23.

Section 4. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Sections 17.3.8 and 18.3.5, pertaining to the PUD-3 and PUD-4 Districts, respectively, so that each will read as follows:

Patio/al fresco dining facilities, except that such facilities approved under a temporary use permit issued by the Zoning Administrator under the terms of Section 4.23 shall be deemed approved according to the terms of such permit.

Section 5. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Sections 19.2.p (the first bullet-point) and 21.2.n (the third bullet-point), pertaining to the PUD-5 and NC-PUD Districts, respectively, so as to read as follows:


Open air businesses, except patio/al fresco dining approved by the Zoning Administrator as a temporary use under the terms of Section 4.23.

Section 6. 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 in the Township.

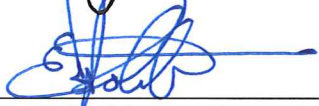
AYES: Robinette,Roth,VanDyke,VanPopering,Afendoulis,Merchant

NAYS: _____

ORDINANCE DECLARED ADOPTED.

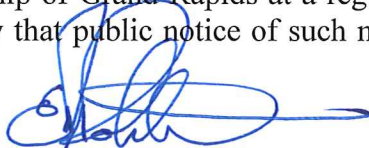


Michael J. DeVries, Township Supervisor



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: July 3, 2012

Second Reading: July 17, 2012

Ordinance becomes effective: July 28, 2012