

**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., Grand Rapids, Michigan, on the 2nd day of August, 2005, at 7:00 p.m.

PRESENT: Members: Afendoulis, DeVries, Hulbert, Merchant, VanPopering, Weiss

ABSENT: Members: Robinette

The following ordinance was offered by Member VanPopering and supported by Member Afendoulis.

**ORDINANCE NO. 442**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING ORDINANCE,  
ORDINANCE NO. 428, TO REPLACE THE RESERVED CHAPTER 22 WITH AN  
ORDINANCE THAT ALLOWS THE TOWNSHIP TO CONSIDER LIFESTYLE CENTER  
MIXED USE PLANNED UNIT DEVELOPMENTS.**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

**Section 1.** Chapter 22 of the Charter Township of Grand Rapids Zoning Ordinance is hereby amended so as to read in its entirety as follows:

## Chapter 22

### “LC-PUD” LIFESTYLE CENTER – MIXED USE PUD DISTRICT

**SECTION 22.1 DESCRIPTION AND PURPOSE.** The LC-PUD District is established to permit and promote upscale and community scale, open air streetscape/main street style commercial centers consisting of businesses serving the specialty and leisure time shopping needs of the community at large and to promote public convenience and accessibility. Toward this end, mixed-use projects containing commercial, office, residential uses and common spaces are required. Controls are applied to this district allowing flexibility but requiring integrated design within the development; limited access to the existing public roadways, and integrated vehicular and pedestrian facilities within the development and between adjacent developments. LC-PUD developments will be designed to ensure compatibility with, and minimum impact upon, existing and future residential development in the area. The District is not intended to be accomplished in a fragmented, lot-by-lot fashion or developed with a single type of land use. The commercial, office and residential components will be developed concurrently in order to insure the achievement of a development with multiple uses.

Although compatible peripherally located uses may be included within a LC-PUD development, the PUD's design should be predominated by building and landscape design elements that encourage connectivity and which collectively create a village square, marketplace or main street atmosphere. LC-PUD zoning districts will therefore be developed with a variable but coordinated architectural theme having equal emphasis on pedestrian movement and vehicular circulation. The overall arrangement of buildings should create an internal traffic flow and focus for both vehicles and pedestrians.

**SECTION 22.2 USES PERMITTED.** Except as otherwise provided by this Chapter, land in the “LC-PUD Lifestyle Center Planned Unit Development District may be used only for a combination of the purposes provided below and subject to the limitations for the uses as set forth in this chapter.

*Hospitality and food service establishments including:*

1. Restaurants without drive-in or drive-through service
2. Cafes, delicatessens, food catering establishments
3. Patio/al fresco dining facilities

*Retail sales establishments including:*

4. General merchandise stores
5. Food and grocery stores such as butcher shops and fish markets, fruit and vegetable markets dairy products stores, candy, nut, and confectionery stores and retail bakeries
6. Stores selling apparel and personal accessories at retail
7. Furniture and home furnishings, and home and office supply stores selling items such as floor coverings, drapery and upholstery, household appliances, radios, televisions, and electronics, computers and software, videos and DVD's (except

adult oriented), records, tapes and discs, musical instruments and office supplies at retail.

8. Miscellaneous retail stores for items such as antiques, articles on consignment, sporting goods and bicycles, books (except adult book stores), stationery, jewelry, art, hobbies, crafts, toys, and games, cameras and photographic supplies, gifts, novelties, and souvenirs, luggage and leather goods, sewing, needlework, catalog and mail-order, tobacco products and accessories, and news dealers
9. Flower shops without green houses
10. Drug stores without drive through service
11. Stores selling building materials such as paint, glass, wallpaper plumbing and electrical fixtures and hardware, at retail excluding outdoor storage

*Business services including:*

12. Advertising agencies, adjustment and collection services, credit reporting services, direct mail services, photocopying and duplicating services, commercial art and graphic design, secretarial and court reporting, building maintenance services, employment agencies, computer programming services, data processing, and messenger service stations.
13. Miscellaneous repair services such as for radios, television, computers and similar electronics, household appliances and furniture, watches, clocks and jewelry when incidental to a principal retail use only.

*Personal services including:*

14. Beauty and barbers shops, travel agencies, fitness centers, tanning and manicure salons, tailor and dress making shops, shoe-repair shops
15. Laundry/Dry Cleaning, pickup and drop-off only
16. Dance, art, music, and similar professional studios

*Office and institutional uses including:*

17. Banks and other financial institutions without drive-through service
18. Professional offices of doctors, dentists, optometrists, lawyers, accountants, realtors, architects, engineers, business or financial consultants or other professionals, and corporate, executive, administrative, or sales offices including incidental sales of medical or dental aids
19. Administrative offices and public meeting rooms for township, county, state, and federal government bodies
20. Business offices for plumbers, heating, cooling contractors, electricians, decorators, and similar trades.

*Residential uses*

21. Single family detached and attached Multi-family dwelling units or Townhouses with a maximum of 10 dwelling units per acre within specified areas of the approved PUD site plan and having distinct and separate street access from the commercial elements of the project.

22. Dwelling Units located above first floor retail, office and other permitted commercial uses.
23. A home occupation, subject to the provisions of Section 4.17 of this Ordinance.

*Other uses:*

24. Retail businesses or service establishments, except those uses specifically prohibited in Section 22.4, that generally provide commodities or services and that are judged by the Planning Commission (a) to be similar in character and operation to the permitted uses described above; (b) to be closely complementary and to enhance the permitted uses; and (c) to be compatible with the intent and purposes of the Life Style Center PUD.

**SECTION 22.3 USES PERMITTED SUBJECT TO SPECIFIC AUTHORIZATION OF TOWNSHIP BOARD.** The following uses are also permitted within the LC-PUD District if specifically authorized by the Township Board upon recommendation of the Planning Commission. The listed uses, if authorized must be included in the final PUD plan, either as originally approved or amended. The uses shall be developed in accordance with standards provided for PUD's in Chapter 13 and the specific standards applicable to each use as set forth in Chapter 24 of this Ordinance, except that the Township Board in its discretion may vary those specific standards in order to achieve the intent and purposes of the PUD:

1. Hospitals
2. Homes for the Elderly or Retired
3. Libraries, museums, and art galleries
4. Essential service buildings
5. Wireless communications facilities including antennas and towers exceeding 35 feet in height and all associated transmitters, receivers, relays and equipment shelters
6. Colleges, Universities, Public and Private schools
7. Parks, and athletic facilities
8. Adult and Child day-care centers
9. Churches and other places of religious assembly
10. Attached dwelling units having a density of greater than 10 dwelling units per acre within specified areas of the approved PUD site plan having distinct and separate street access from the commercial elements of the project
11. Automobile service stations for the sale of gasoline or accessories and the performance of incidental services such as tire changing, oil changes, greasing, mechanical repairs, and car washing, provided all work is conducted wholly within a completely enclosed building.
12. Drive-through service for restaurants, banks, pharmacies and other businesses
13. Hotels and Motels
14. Car Wash

**SECTION 22.4 USES SPECIFICALLY PROHIBITED.** The following uses are specifically prohibited in the LC-PUD zoning district:

1. Open air businesses except al fresco dining, outdoor catering and periodic sidewalk sales and display for tenant retailers only
2. Movie theaters
3. Retail building supply stores
4. Warehouse type stores and buying clubs
5. Motor vehicle sales
6. Manufactured homes sales or service
7. Recreational vehicle sales or service
8. Sexually oriented businesses

**SECTION 22.5 SITE DEVELOPMENT STANDARDS AND CONDITIONS.** Except as otherwise provided in this Chapter, development plans for the use of land within a LC-PUD zoning district shall at a minimum comply with the standards and conditions provided in this Section as well as the standards and conditions applicable to all PUD districts as set forth in Chapter 13 and any other applicable provisions of this Ordinance.

1. *Mixed Land Uses Requirement*

- a. A maximum of eighty (80) percent of the overall LC-PUD project may be devoted to commercial (retail, service, office, and food service) uses and required parking. The remaining twenty (20) percent of the project shall be devoted to residential use. The required residential percentage may include residential dwelling units located above first floor retail and office space.
- b. Consideration may also be given to requiring that some or all of the required residential component be provided as transitional residential area located between the business and parking elements of the PUD and nearby residential areas existing outside of the proposed LC-PUD.
  1. If a transitional residential area is determined to be necessary the Planning Commission may require up to 20 percent of the total project site as measured in total site acres be provided as designated transitional residential development area consisting of single family or attached dwellings units as permitted under Sections 22.2.21, or section 22.3 and Section 22.5.6.
  2. If it is determined by the Township that a combination of residential dwelling units located above first floor retail and office space and transitional residential area is appropriate for the development location, the determination that the required minimum residential percentage is being met shall be based on a calculation that equates one square foot of residential dwelling unit space above first floor retail and office space to 6.2 square feet of land area devoted to designated transitional residential development area.

- c. Infrastructure (sanitary sewer, water, streets, drainage and lots) intended to support the required residential structures or residential development areas shall be constructed concurrently with the infrastructure and first approved phase of commercial development.
- d. For purposes of this section, commercial uses are those permitted in the LC-PUD zone under Section 22.2 or with special authorization per Section 22.3.
- e. The Planning Commission may recommend to the Township Board and the Board in its discretion may modify the requirements of Sections 22.5(1)(a) and (b) if the Planning Commission and the Township Board find, based on facts presented by the applicant, that all of the following criteria are met:
  - 1. Even if the modification is approved, the resulting LC-PUD development will be consistent with the purpose and intent of the LC-PUD zone district as provided by Section 22.1 and by other applicable provisions of this Zoning Ordinance;
  - 2. The modification is justified due to the nature, size, density, location or design of the proposed LC-PUD development.

2. *Area and Yard Requirements, Building and Parking Lot Setbacks and Greenbelts*

- a. In order to be rezoned to LC-PUD, a site must contain at least 20 acres. This requirement may be reduced by the Planning Commission if, in its discretion, it is determined that the PUD can be developed on a smaller parcel in accordance with the intent and standards of the LC-PUD district.
- b. Compliance With The North East Beltline Overlay District. For LC-PUD Developments located within the North East Beltline Overlay District shall comply with the requirements of Chapter 23, The North East Beltline Overlay District.
- c. Perimeter Building Setbacks for Commercial Buildings: Building setbacks for commercial buildings placed along all perimeter public streets not governed by Chapter 23 and all adjoining residential districts or residential areas within the same LC-PUD development shall be 75 feet as measured from the property line. Perimeter building setbacks for buildings adjacent to commercial zoning districts and not located in the North East Beltline Overlay Zone shall be 50 feet.
- d. Parking Lot Setbacks For Commercial Buildings: Parking lot setbacks for commercial buildings placed along all perimeter streets not governed by Chapter 23 shall be 25 feet. The greenbelt/perimeter setback for parking lots located adjacent to residential uses and districts located outside of the LC-PUD development shall be a minimum of 50 feet. A precise minimum

green belt width separating commercial and designated residential development phases within the same LC- PUD development is not required. However, adequate open space and screening between home sites, commercial buildings and off-street parking areas shall be provided. Setback areas may support and include pedestrian and bike paths linking the various uses and shall otherwise be used to create and maintain an esthetically pleasing, safe and secure environment for visitors and residents.

- e. Internal Setbacks Within Designated Commercial/Mixed-Use Development Areas: Within designated commercial/mixed use development areas, zero lot line and zero setback development concepts may be employed. To that end, flexibility will be granted in establishing the setbacks from internal lot lines (when applicable) and the right of way lines for internal public and private roads serving the interior of the site. Internal setbacks shall be determined for the PUD by the Planning Commission and Township Board, at the time of final development plan approval based on the application of sound site planning criteria. In making these determinations, the criteria considered shall include the following:

1. Number, type and size of buildings.
2. Proximity to adjacent existing and future land uses.
3. Preservation of existing vegetation or other natural features on site.
4. Topography of the site.
5. Provision of water, sanitary sewer, and storm sewer.
6. The proposed overall intensity and design of the development relative to its ability to achieve the integration of mixed uses, provide safe and efficient pedestrian ways and avoid unsafe vehicular traffic movements and congestion on the internal street network.
7. The adequacy of parking, landscape, drainage and open space designs to satisfy the internal needs of the development.

- f. Yard, Building, And Area Requirements for Residential buildings. The lot area, lot width, building setback, and yard requirements applicable to the required residential buildings in an LC-PUD development shall be determined for PUD by the Planning Commission and Township Board, based on the application of site-planning criteria to achieve integration of the project with the characteristics of the project area. In making these determinations, the criteria considered shall include the following:

1. Overall design of the project relative to its compatibility with nearby existing or proposed land uses.
2. Number and type of dwelling units
3. Proximity to adjacent existing and future land uses.
4. Preservation of existing vegetation or other natural features on site.
5. Topography of the site.



6. Provision of water, sanitary sewer, and storm sewer

- g. All front yard, side yard, and rear yards as ultimately established with the PUD shall be kept clear and un-obstructed and shall not be used for the storage or disposal of any materials, except in approved locations within the PUD, and shall be screened or landscaped or used for off-street parking and for loading and unloading in accordance with the purposes of the PUD.

3. *Permitted Residential Density and Floor Area Requirements.*

- a. Based upon the recommendations of the Planning Commission, the Township Board shall determine the density for each designated residential area within a LC-PUD zoning district. In no case, however, shall the density of development in a designated residential area exceed 10 dwelling units per acre. Within designated mixed-use buildings where upper level dwelling units may be permitted, the permitted density shall be based the application of the minimum floor area requirements listed below.
- b. In determining the maximum allowable density, the Planning Commission and the Township Board shall be guided by the application of site planning criteria to achieve integration of the project with the characteristics of the project area, and shall consider factors including the impacts of the density of the proposed PUD on existing densities in the area and the intent and purpose of the residential portion of the LC-PUD zoning district.
- c. The total number of dwelling units permitted within a designated residential development phase or portion of an LC- PUD shall be computed by multiplying the maximum permitted density (units per acre) by the total acreage of the designated residential area of the PUD property, excluding land within public or private road rights-of-way public easements, flood-plain and wetland areas, and areas permanently inundated by water. The Michigan Department of Environmental Quality shall make the final determination of the Existence of wetlands and floodplain areas on a parcel.
- d. Residential Unit Size. Except as provided below each dwelling unit located within an LC-PUD shall contain the following minimum amount of floor area:
  - 1. Single family detached dwelling:
    - i. Single story dwelling unit, with basement - 1040 sq. ft. on first floor.
    - ii. Two story dwelling unit - 720 sq. ft. on first floor, but not less than 1040 total sq. ft. for each dwelling unit.
    - iii. All other single-family detached dwelling units - 1700 sq. ft. total sq. ft. for each dwelling unit.
  - 2. Two-family dwelling - 860 sq. ft. for one unit, but not less than 1,910 total sq. ft. for both dwelling units.
  - 3. Upper level apartment/condominium dwellings-
    - i. One bedroom – 750 sq. ft for each dwelling unit.



- ii. Two or more bedrooms – 860 sq. ft. for each dwelling unit.

4. *Landscaping, and Open Space*

- a. Strategically placed pedestrian plazas, squares, play areas and natural open space area as appropriate for both the village environment and the residential environment, shall be provided. Such elements shall be designed to produce an esthetically pleasing environment with sensitivity to vistas and the users. Pedestrian seating and other age sensitive apparatus shall be provided in appropriate quantities and locations.
- b. Landscaping shall be provided for greenbelts and parking lots as required by Chapter 29. Flexibility may be granted in the calculation of required landscape islands established under the Parking Area Landscaping requirements of Section 29.9 to allow for the aggregation of areas and their placement along internal streets when adjacent to the parking area.

5. *Pedestrian and Bicycle Facilities.*

Full and safe pedestrian and bicycle access shall be provided and shall link all areas and uses within the development. This shall include appropriate connections to the existing and planned sidewalk and bicycle paths in the community and surrounding neighborhoods as well as sidewalk connections to all building entrances from public and private street system. In addition:

- a. Safe and secure pedestrian seating in appropriate quantities and locations shall be provided along sidewalks and bicycle paths.
- b. Secure, marked, bicycle parking spaces shall be provided. They shall be designed and placed to:
  - i. Be within walking distance of the buildings and building entrances they are intended to serve,
  - ii. Be visible from major pedestrian corridors and
  - iii. Not cause obstruction of pedestrian or motor vehicle traffic.

6. *Access and Circulation*

The control of traffic is an important consideration in the development of a LC-PUD zoned parcel. The following standards shall be used by the Planning Commission in determining access to a site.

- a. A traffic impact study shall be submitted with the Preliminary Development Plan. The study shall provide data and findings for on site and off site traffic control measures, information on the amount of traffic generated by proposed uses, the impact of traffic

on adjacent and nearby streets, and other traffic information as required by the Planning Commission.

- b. As a condition of approval of any LC-PUD, the Planning Commission shall find, based on the results of the traffic impact study and other information, that safe and efficient traffic flow will be maintained on adjacent, nearby and internal streets once the proposed use is established.
- c. Interior roadways and parking lots shall be designed so that traffic circulates with a minimum of conflict. Entrance points to parking areas shall be placed so as to avoid vehicles backing up onto adjacent roadways. Section 28.5 addresses Off Street Parking and Loading requirements.
- d. Service drives shall be provided as recommended in the 1992 Plan for the East Beltline and the 1998 North East Beltline Joint Development Plan.

7. *Building Size, Placement, Appearance*

- a. Unless specifically authorized as part of final PUD plan approval the building ground floor to land area ratio for all buildings within non-residential areas shall be limited to approximately 0.23. This ratio shall be determined by dividing the sum of the gross first floor area for all buildings by the gross site area excluding land within existing road rights of way. At the time of Final PUD approval the Township may authorize flexibility in this ratio to accommodate future minor building additions and approved building footprint adjustments. In no case shall the cumulative effect of such modifications result in additional buildings or building floors or more than a one percent increase in the ground floor to land area ratio of 0.24.
- b. No more than two anchor type stores shall be permitted in the development. No individual building or anchor tenant space shall exceed a first floor area foot print of 75,000 square feet and total of 150,000 square feet. For the purpose of this Chapter an anchor store shall be defined as a store having greater than 40,000 square feet of leaseable floor area.
- c. Two and three story multi tenant buildings may be permitted when design to accommodate a mixture of office and or residential units above the predominately retail first floor. There shall be a 35 foot height limit unless otherwise approved in the PUD process.
- d. Buildings and structures shall have a coordinated, attractive, architectural theme. Anchor buildings and multi-tenant buildings shall be designed to avoid massive walls and homogeneous facades.
- e. Buildings shall be generally oriented toward the interior of the site rather than toward passing traffic. Portions of buildings that

directly face passing traffic and/or extensive off street parking areas shall be enhanced with attractive storefront entrances, screening, landscaping and a general presentation and character that is consistent with the village square, marketplace or main street character and design used throughout the remainder of the project.

- f. Refuse and loading areas shall be screened . The screening may be through internal loading areas, screening walls matching the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, which is consistent with the village square; marketplace or main street character and design used throughout the remainder of the project, and shall be of aesthetic quality.

8. *Off-street parking and loading*

Except as otherwise approved under Section 14.17 of this Ordinance, off-street parking and loading shall be provided as required by Chapter 28 of this Ordinance. At least 75 percent of the parking spaces provided for residential units located above first floor retail and office space in designated mixed use development areas shall be provided and maintained in areas designated for the residential units and shall not be available for employee or business customer use. If the PUD is located in the North East Beltline Overlay district refer to chapter 23.

9. *Lighting*

All outdoor lighting fixtures including but not limited to pole mounted or building mounted lights, shall be subject to the standards of Chapter 23 except that the maximum height of allowed light fixtures may be increased to 25 feet.

10. *Storm Water Drainage*

- a. On site storm drainage facilities when required, shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to prevent roadway and parking lot oil and gas residues and other pollutants from being discharged to the natural drainage systems.
- b. Storm water detention ponds shall be required if necessary for the containment of estimated surface water run off. Such ponds shall be placed at locations that will not detract from visual amenities along the streetscape or result in a hazard to pedestrians in the immediate area.
- c. A storm water management plan shall be submitted along with the Final PUD Site Plan. The plan shall provide information on how storm water will be controlled during and after construction. This

plan shall be subject to the review and approval of the Township Engineer.

- d. Compliance with the Township storm water ordinance and a storm water permit under the terms of that ordinance must be obtained.

**SECTION 22.6 SIGNS.** Unless otherwise stipulated and approved as part of an overall design scheme authorized at the time of final PUD plan approval, signs in a LC-PUD district shall comply with the sign regulations pertaining to the NC-PUD and PUD-5 Districts (Section 30.14). Drawings illustrating sign design, size, location and lighting shall be submitted to the Planning Commission in its review of the LC-PUD rezoning application.

**Section 2.** 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.

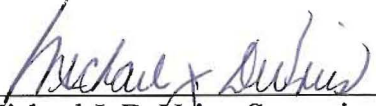
AYES: Members:


Afendoulis, DeVries, Hulbert, Merchant, VanPopering, Weiss

NAYS: Members:

None

ORDINANCE DECLARED ADOPTED.

  
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Michael J. DeVries, Supervisor  
Charter Township of Grand Rapids

  
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Janice K. Hulbert, Clerk  
Charter Township of Grand Rapids

PETITIONS SUBMITTED TO PLACE THIS ORDINANCE ON THE AUGUST 8, 2006 BALLOT.

**AUGUST 8, 2006 BALLOT PROPOSAL**

Shall Township Ordinance No. 442, adopted by the Township Board on August 2, 2005, amending Chapter 22 of the Township zoning ordinance so as to authorize the Township to consider Lifestyle Center Mixed Use Planned Unit Developments, be approved?      Yes      No

VOTE:      YES      1975  
             NO      1351

ORDINANCE 442 IS EFFECTIVE AUGUST 8, 2006

