



Community Development Memo

DATE: March 10, 2016
TO: Township Board
FROM: Stacey Fedewa, Planning & Zoning Official
RE: Proposed Zoning Text Amendment Ordinance

BACKGROUND

After a public hearing held on February 22nd the Township Board adopted a motion for the first reading of the proposed Zoning Text Amendment Ordinance (*draft date 12/28/15*). Since that time, it was requested the proposed text amendment be revised to limit the building height to 45 feet (*rather than 55 feet*). The reason being that a 45 foot height limit is more consistent with surrounding municipalities. If the Board agrees with this proposal, the following motion can be offered:

Motion to accept the Revised Zoning Text Amendment Ordinance (*draft date 3/1/16*), which reduces the maximum structure height to four (4) stories, or forty-five (45) feet, whichever is lower.

Staff has included both proposed ordinances for review: 55 feet (*draft date 12/28/15*) and 45 feet (*draft date 3/1/16*).

Staff notes, the background information provided in the February 18th Community Development Memo is still applicable. In short, the Robbins Road Sub-Area Plan and 2016 Resilient Master Plan Draft each encourage new development to expand vertically. Excerpts include:

"Minimum building heights should be established and allowed to exceed 2.5 stories and 35 feet."

- Robbins Road Sub-Area Plan

"Encourage development to occur in high, vertical density in areas where infrastructure is available. This will help ensure the protection of natural spaces and help local governments maintain valuable infrastructure."

- 2016 Resilient Master Plan Draft

PROPOSED TEXT AMENDMENT

The proposed text amendments address three items:

1. **Regulatory flexibility** – this will expand the language that describes the process of approving departures from the zoning ordinance. It provides clearer direction to the Planning Commission and Township Board for making these decisions.
2. There is a lack of cohesion between the **land uses permitted by the PUD Chapter** in the Zoning Ordinance, and those described in the Master Plan. In an effort to ensure the two documents are cohesive staff has simplified the uses permitted by right, and those permitted as a special land use.
3. To allow an **increased building height for Commercial PUD's** within the boundaries of the Robbins Road Sub-Area. Staff recommends a maximum building height of 4 stories, or 45 feet, whichever is lower.



SAMPLE MOTION

If the Township Board agrees with the Planning Commission recommendation for a maximum structure height of 55 feet, the following motion can be offered:

Motion to approve the Zoning Text Amendment Ordinance, with a draft date of December 28, 2015, to revise sections of the Planned Unit Development Chapter of the Grand Haven Charter Township Zoning Ordinance. **This is the second reading.**

If the Township Board agrees with the Planning Commission recommendation, but a revised maximum structure height of 45 feet, the following motion can be offered:

Motion to approve the Zoning Text Amendment Ordinance, with a draft date of March 1, 2016, to revise sections of the Planned Unit Development Chapter of the Grand Haven Charter Township Zoning Ordinance, following the February 22, 2016 first reading of this Zoning Text Amendment Ordinance, with a draft date of December 28, 2015; the only difference between the March 1, 2016 draft and the December 28, 2015 draft is that the maximum structure height allowed by proposed Section 17.08.5 shall be 45 feet rather than 55 feet. **This is the second reading.**

Please contact me prior to the meeting if you have questions.

ORDINANCE NO. _____

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF GRAND HAVEN CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN, BY ADDRESSING REGULATORY FLEXIBILITY, BASE REGULATIONS, COMMERCIAL PLANNED UNIT DEVELOPMENT LAND USES, STRUCTURE HEIGHT; AND BY PROVIDING FOR AN EFFECTIVE DATE.

GRAND HAVEN CHARTER TOWNSHIP, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Planned Unit Development District – Regulatory Flexibility. Section 17.01.5 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

Regulatory Flexibility. The provisions of this Chapter are not intended as a device for ignoring this Ordinance, or the planning upon which it has been based. However, to encourage flexibility and creativity consistent with the PUD concept, departures from the regulations may be permitted subject to review and approval by the Township Board after the recommendation of the Planning Commission. For example, such departures may include but are not limited to modifications in lot dimensional standards; floor area standards; setback requirements; height requirements; parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality development than would be possible without the modifications. The provisions of this Chapter are intended to result in the land use development that is substantially consistent with the goals and objectives of the Township Master Plan, this Ordinance, and consistent with sound planning principles.

Section 2. Permitted Planned Unit Developments – Base Regulations. Section 17.06 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

1. A Planned Unit Development may be approved as any of the following:
 - A. Residential PUD (Section 17.07)
 - B. Commercial PUD (Section 17.08)
 - C. Industrial PUD (Section 17.09)
 - D. Mixed-Use PUD (Section 17.10)

2. Applicable Base Regulations. Unless waived or modified in accordance with Section 17.01.5, the yard and lot coverage, parking, loading, landscaping, lighting, and other standards for the underlying zoning shall be applicable for uses proposed as part of a PUD. The underlying zoning

shall be the current zoning map designation of the property in the proposed PUD, or the Future Land Use Map designation of the property. Mixed-uses shall comply with the regulations applicable for each individual use, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply. The site standards for all individual land uses and facilities as provided in this Ordinance (such as special land uses) must be observed unless waived by the Township Board after the recommendation of the Planning Commission for any, or all, of the specific uses and facilities.

Section 3. Commercial PUD – Permitted Uses. Section 17.08.2 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

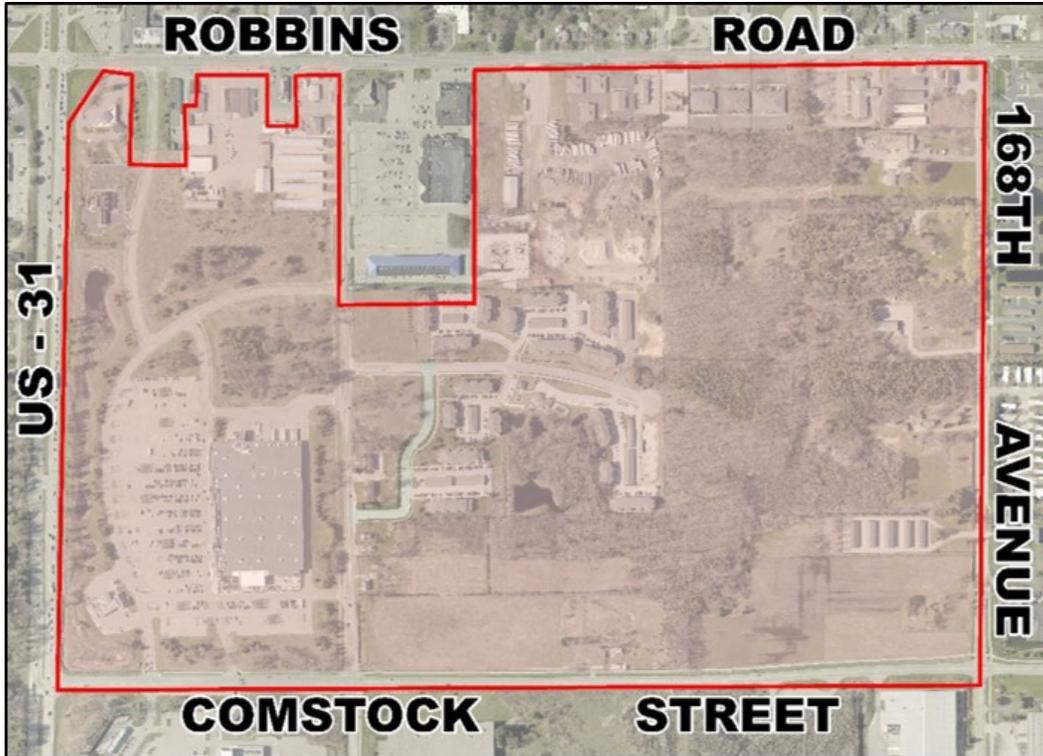
2. Except as provided in Section 17.08.3 below, in a Commercial PUD District, no building or land shall be used and no building or structure shall be erected, except for the following uses:
 - A. C-1 Commercial District Permitted Uses described in Section 15.02.
 - B. SP Service/Professional District Permitted Uses described in Section 14.02.

Section 4. Commercial PUD – Special Land Uses. Section 17.08.3 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

3. The following uses are permitted in the Commercial PUD District when the PUD approval includes a consideration of the standards and the relevant specific requirements imposed by Chapter 19 (Special Land Uses):
 - A. C-1 Commercial District Special Land Uses described in Section 15.03.
 - B. SP Service/Professional District Special Land Uses described in Section 14.03.

Section 5. Commercial PUD – Structure Height. Section 17.08.5 of the Grand Haven Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

5. All buildings within the Robbins Road Sub-Area, as illustrated below, shall have a maximum structure height of four (4) stories, or fifty-five (55) feet, whichever is lower. This Section should not be interpreted as a prohibition of granting reasonable height departures outside of the Sub-Area.



Section 6. Effective Date. This amendment to the Grand Haven Charter Township Zoning Ordinance was approved and adopted by the Township Board of Grand Haven Charter Township, Ottawa County, Michigan on _____, 2016, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on _____, 2016, 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 _____, 2016, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Haven Tribune*, 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.

Karl French,
Township Supervisor

Laurie Larsen,
Township Clerk

CERTIFICATE

I, Laurie Larsen, the Clerk for the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing Grand Haven Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2016. The following members of the Township Board were present at that 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. Notice of Adoption of the Ordinance was published in the *Grand Haven Tribune* on _____, 2016.

Laurie Larsen,
Township Clerk

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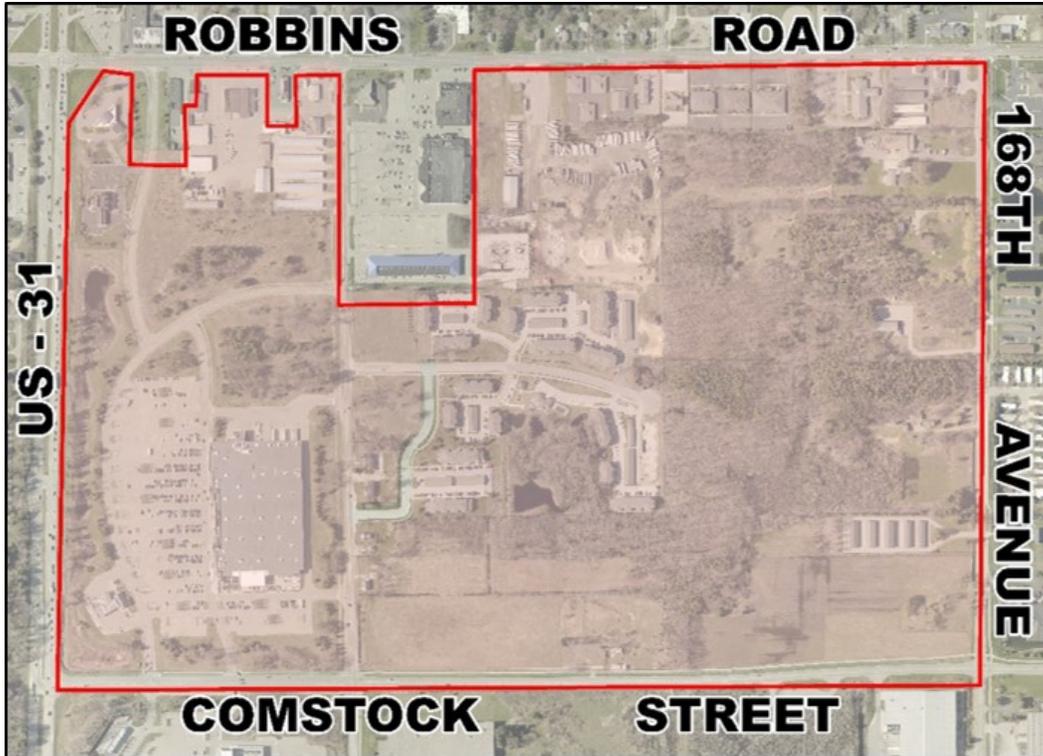
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Karl French,
Township Supervisor

Laurie Larsen,
Township Clerk

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Laurie Larsen,
Township Clerk