

ORDINANCE NO. \_\_\_\_\_

**ZONING TEXT AND MAP AMENDMENT ORDINANCE**

AN ORDINANCE TO AMEND THE TALLMADGE CHARTER TOWNSHIP ZONING ORDINANCE BY ADDING CHAPTER 9A CONCERNING THE L VILLAGE OF LAMONT DISTRICT, AND BY MAKING OTHER RELATED TEXT REVISIONS, AND BY REZONING CERTAIN LANDS TO THE L VILLAGE OF LAMONT DISTRICT.

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

Section 1. Creation of Zoning Districts. Section 4 of the Zoning Ordinance shall be amended to state in its entirety as follows.

**SECTION 4.01. CREATION OF ZONING DISTRICTS.** The Charter Township of Tallmadge is hereby divided into the following zoning districts:

- AG Agricultural District
- RP Rural Preservation District
- R-1 Low Density Single Family Residential District
- R-2 Medium Density Single Family Residential District
- R-3 Multiple Family Residential
- R-4 Mobile Home District
- L Village of Lamont District
- C-1 Office, Services, Commercial District
- C-2 General Commercial District
- I-1 Light Industrial District
- F Flood Plain District

Section 2. L Village of Lamont District. Chapter 9A of the Zoning Ordinance shall be added to state in its entirety as follows.

**CHAPTER 9A**

**L VILLAGE OF LAMONT DISTRICT**

**SECTION 9A.01. DESCRIPTION AND PURPOSE.**

- (a) The intent of the L Village of Lamont District is to create and maintain stable single family neighborhoods within the Township. It is intended that the principal use of

land is for single-family dwelling. Recreational, religious, and educational facilities which are both compatible with and convenient to residents are also permitted.

- (b) In the L District, small neighborhood commercial uses may be permitted as a special use when they are deemed compatible with the residential use and character of the L District.

**SECTION 9A.02. PERMITTED USES.** In the L District, no uses shall be permitted except the following:

- (a) Single family detached dwelling units.
- (b) Child and adult day care facilities and foster homes, which care for no more than six (6) persons.

**SECTION 9A.03. USES PERMITTED AFTER SPECIAL APPROVAL.** The following special uses may be permitted by the Township, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Churches and public, parochial, or other private elementary, intermediate or high schools, subject to the following:
  - 1. All primary ingress and egress from said site shall be directly onto a major thoroughfare, in accordance with Section 3.18.
  - 2. Buildings of greater than the maximum height allowed in the L District may be allowed provided that the front, side, and rear yards are increased above the minimum required yards by ten (10) feet for each foot of building height that exceeds the maximum height allowed.
  - 3. Off-street parking shall be prohibited in the front yard setback area. Where any off-street parking area abuts a lot in a residential district, a wall, fence or obscuring greenbelt shall be provided in accordance with Section 3.17.
  - 4. In order to mitigate any negative off-site impacts (such as noise, glare, trespassing, or odors) on residential uses, the Township may require adequate fencing, screening, or landscaping on the site. Accessory uses, such as a social service center or banquet facilities for a church, shall be prohibited unless the Township finds that adverse impacts will be mitigated and approves the accessory use as part of the special use application or as an amendment to the application.
- (b) Home occupations, subject to the provisions of Section 3.15.
- (c) Parks, playgrounds, community centers, swimming pool clubs, and other recreational facilities, but excluding campgrounds or sportsmen clubs, subject to the following:

1. Off-street parking areas shall be prohibited in the front yard setback area.
  2. Such uses shall have direct access onto a major thoroughfare or collector road, as defined under STREET in Section 2.03, and as described in Section 3.18.
  3. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Township may specify the hours of operation to assure compatibility with adjacent uses.
  4. An obscuring greenbelt in accordance with Section 3.17(e) shall be required wherever a recreation facility abuts directly upon a residential district. The Township may require additional fencing, screening or landscaping to mitigate impacts such as noise, trespassing, or odors.
  5. The proposed site shall attract, or is intended to serve, persons from the immediate neighborhood.
  6. Side yards shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition.
  7. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Township may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas and will therefore be pedestrian.
- (d) The following special uses may only be located on a lot that abuts and has direct access to the boulevard of Leonard Street and contains the minimum road width along the boulevard as required by Section 9A.04. Properties along the boulevard of Leonard Street may include a mix of land uses and are appropriate locations for the following uses that are not otherwise appropriate in other locations within the L District boundaries. The structures for these uses shall keep with the historical character of, and shall not materially alter the residential character of, the L District.
1. Museums.
  2. Ice cream parlors.
  3. Coffee shops.
  4. Farmers markets or fish markets.
  5. Grocery stores.

6. Hardware stores.
7. Restaurants.

The following requirements shall be imposed upon the above uses in this subsection.

1. The location, layout, design or operation of the proposed use shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Township may specify the hours of operation to ensure compatibility with adjacent uses.
  2. The proposed use shall attract, or is intended to serve, persons from the immediate neighborhood.
- (e) Uses which provide retail goods or services to meet needs of Township residents but which are not listed above in this Section may be permitted by the Township if deemed to meet the purpose of the L District and if found to be similar to a use listed above in this Section. In determining similarity the Township shall consider the following:
1. Size, nature and character of the proposed use.
  2. Traffic congestion or hazard that may be created by the use.
  3. Whether the proposed use is harmonious with adjoining neighborhood.
  4. Necessity of the proposed use to serve the needs of the Township residents.
  5. Effect of the proposed use on the adjoining properties and surrounding area.

The Township may impose additional required setback or performance standards on the proposed similar special uses to ensure the public health, safety, and general welfare.

**SECTION 9A.04. AREA REGULATIONS.** No building or structure or any enlargement thereof shall be erected in the L District except in conformance with the following area regulations:

- (a) **Lot Area and Width.** For single family dwellings and non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet, with a minimum lot width of eighty (80) feet.
- (b) **Front Yard.** The front yard setback shall be no less than twenty-five (25) feet. A minimum of seventy percent (70%) of the front facade of any dwelling adjacent to the street, excluding an attached garage, shall be located at the front yard setback (i.e., twenty-five [25] feet). The purpose of this requirement is to encourage a

continuous principal building frontage close to the street, providing visual interest to passersby.

- (c) **Side Yards.** There shall be side yards of ten (10) feet each. For corner lots, the side yard adjacent to the street shall not be less than twenty-five (25) feet.
- (d) **Rear Yard.** There shall be a rear yard of not less than fifty (50) feet.
- (e) **Abutting the Grand River.** Along any property lines which abut the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.
- (f) **Lot coverage.** No more than thirty-five percent (35%) of the total land area of a lot or parcel of land shall be covered with buildings or structures.

**SECTION 9A.05. HEIGHT REGULATIONS.** No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. See Section 3.14 for exceptions to height regulations.

**SECTION 9A.06. DEVELOPMENT STANDARDS.**

- (a) **Site Plan Review.** Site Plan Review and approval is required for all uses within the L District except detached single-family dwellings and buildings accessory to residential uses. See Chapter 18.
- (b) **Minimum Floor Standards.** Each single-family dwelling unit shall meet the minimum floor area requirements as established in Section 3.19.
- (c) **Commercial Architectural Standards.** On lots that abut and have access to the boulevard of Leonard Street and contain the minimum road width along that boulevard as required by Section 9A.04, each building proposed for new construction or for an exterior remodel of more than fifty percent (50%) of the facade adjacent to the street must comply with the following standards.
  1. For all buildings, roof lines must be a minimum of a four (4) to twelve (12) pitch or must be a flat roof containing a decorative building cap of at least four (4) inches in width.
  2. For single story buildings, the facade adjacent to the street must consist of at least thirty-five percent (35%) but not more than eighty percent (80%) glass.
  3. For two (2) story buildings, the first floor facade adjacent to the street shall comply with 9A.06(c)2 above. The second story facade adjacent to the street must consist of at least twelve percent (12%) but not more than twenty-five percent (25%) glass.

4. External lighting shall be decorative and attached to the building and may only be directed down toward the ground and the building.
  5. Building facades shall consist of face brick, cutstone, split face block, fluted block, scored architectural block, native field stone, caststone, granite, marble, ceramic tile, vinyl or wood with an opaque or semi-transparent stain or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Township if the block or building material is compatible with surrounding buildings, structures, and uses; protects the investment of adjacent property; blends harmoniously with the natural features; promotes a high quality image; and meets the purpose of this L District.
  6. Site structures shall provide compatible architectural character and material with that of the building facade adjacent to the street.
- (d) **Signage.** No sign shall be erected, constructed, installed, located or placed upon any property in the L District, except in conformance with the following.
1. Only a wall sign is permitted.
    - a. No lot shall contain more than one (1) wall sign.
    - b. The total area of the wall sign shall not exceed five percent (5%) of the area of the wall on which the sign is affixed, including windows and doors, or twenty-five (25) square feet, whichever is smaller.
  2. Sign lighting shall be designed to direct the light downward and toward the building on which the sign is located so as to prevent glare onto adjacent properties or right-of-ways.
  3. Sign lighting shall cease and not illuminate between the hours of 9:00 p.m. and 6:00 a.m.
- (e) **General Standards.** Buildings and uses in the L District shall be subject to all other applicable standards and requirements of this Ordinance including without limit the General Provisions (Chapter 3), Nonconformities (Chapter 17), Off-Street Parking (Chapter 15), and Sign Regulations (Chapter 16).

Section 3. General Requirements. Section 15.03 of the Zoning Ordinance shall be amended to state in its entirety as follows.

**SECTION 15.03. GENERAL REQUIREMENTS.** In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as follows:

- (a) **Off-Street Parking for One and Two-Family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of Section 3.02 (Accessory Uses). No parking shall be permitted in the required front yard except on a driveway which leads to an approved parking space.
- (b) **Off-Street Parking for Non-Residential Uses.** Off-street parking facilities required for non-residential uses in any zoning district shall be located on the same lot or parcel as the building or use they are intended to serve, or within three hundred (300) feet of such building or use when located in any zoning district except the L District measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership or a use easement, duly recorded with the County Register of Deeds, shall be shown for all land areas intended for use as parking by the applicant.
- (c) **Location on Site.** Any public or private parking area located in the C-1, C-2 or I-1 Zoning Districts, regardless of the number of spaces provided, shall be set back from all road right of way lines according to the minimum setback requirements of the applicable zoning district.

In the L, RP, R-1, R-2, R-3 and R-4 zoning districts, off-street parking may be located only within a side or rear yard. In the L zoning district, a maximum of two (2) off-street parking spaces may be located in the front yard. In the AG, C-1, C-2, and I-1 zoning districts, off-street parking may be permitted in a front, side, and rear yard. A parking area may be paved to the property line in a side yard in the C-1, C-2 or I-1 Districts.

Section 4. Amendment. The Zoning Ordinance and Map of the Charter Township of Tallmadge, Ottawa County, Michigan, the map being incorporated by reference in the Zoning Ordinance for the Charter Township of Tallmadge pursuant to Chapter 4, shall be amended so that the following lands shall be rezoned to the L Village of Lamont District. The lands are in the Charter Township of Tallmadge, Ottawa County, Michigan, and are described as follows:

|                  |                  |                  |                  |                  |
|------------------|------------------|------------------|------------------|------------------|
| 70-09-12-276-011 | 70-10-07-303-005 | 70-10-07-424-001 | 70-10-07-329-012 | 70-10-07-305-002 |
| 70-09-12-276-014 | 70-10-07-303-009 | 70-10-07-307-003 | 70-10-07-330-002 | 70-10-07-305-003 |
| 70-09-12-276-026 | 70-09-12-430-007 | 70-10-07-151-013 | 70-10-07-421-003 | 70-10-07-151-023 |
| 70-10-07-301-004 | 70-10-07-301-007 | 70-10-07-326-001 | 70-10-07-332-007 | 70-09-12-276-029 |
| 70-09-12-276-023 | 70-09-12-430-008 | 70-10-07-328-003 | 70-10-07-329-004 | 70-09-12-276-028 |
| 70-09-12-276-004 | 70-10-07-303-001 | 70-10-07-327-021 | 70-10-07-304-016 | 70-10-07-151-019 |
| 70-09-12-276-018 | 70-10-07-151-016 | 70-10-07-327-006 | 70-10-07-329-025 | 70-10-07-151-006 |
| 70-09-12-276-019 | 70-10-07-327-016 | 70-10-07-329-009 | 70-10-07-329-011 | 70-10-07-151-024 |
| 70-09-12-276-009 | 70-10-07-302-007 | 70-10-07-304-015 | 70-10-07-420-002 | 70-10-07-151-020 |
| 70-09-12-276-010 | 70-10-07-303-008 | 70-10-07-420-003 | 70-10-07-151-012 | 70-10-07-328-023 |
| 70-09-12-276-013 | 70-10-07-326-007 | 70-10-07-306-002 | 70-10-07-100-008 | 70-10-07-328-022 |
| 70-09-12-276-027 | 70-10-07-327-025 | 70-10-07-421-002 | 70-10-07-327-015 | 70-10-07-430-006 |
| 70-10-07-301-003 | 70-10-07-328-008 | 70-10-07-332-002 | 70-10-07-327-010 | 70-10-07-430-004 |

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| 70-09-12-276-015 | 70-10-07-418-004 | 70-10-07-329-021 | 70-10-07-328-002 | 70-10-07-430-007 |
| 70-10-07-301-001 | 70-10-07-328-013 | 70-10-07-420-005 | 70-10-07-329-006 | 70-10-07-430-003 |
| 70-10-07-301-002 | 70-10-07-329-013 | 70-10-07-329-017 | 70-10-07-327-004 | 70-10-07-331-001 |
| 70-09-12-276-022 | 70-10-07-329-016 | 70-10-07-332-001 | 70-10-07-328-006 | 70-10-07-304-007 |
| 70-09-12-276-025 | 70-10-07-424-002 | 70-10-07-332-008 | 70-10-07-327-019 | 70-10-07-304-009 |
| 70-09-12-276-012 | 70-10-07-304-005 | 70-10-07-421-004 | 70-10-07-327-013 | 70-10-07-420-009 |
| 70-09-12-276-024 | 70-10-07-420-013 | 70-10-07-330-007 | 70-10-07-329-014 | 70-10-07-330-009 |
| 70-09-12-276-002 | 70-10-07-306-001 | 70-10-07-330-008 | 70-10-07-329-015 | 70-10-07-151-017 |
| 70-09-12-276-003 | 70-10-07-430-001 | 70-10-07-302-009 | 70-10-07-329-008 | 70-10-07-302-005 |
| 70-10-07-419-001 | 70-10-07-425-001 | 70-10-07-302-004 | 70-10-07-302-008 | 70-10-07-329-026 |
| 70-10-07-420-010 | 70-10-07-351-003 | 70-10-07-327-018 | 70-10-07-329-007 | 70-10-07-305-004 |
| 70-10-07-476-001 | 70-10-07-418-003 | 70-10-07-327-026 | 70-10-07-327-023 | 70-10-07-307-001 |
| 70-10-07-303-004 | 70-10-07-328-016 | 70-10-07-328-021 | 70-10-07-329-002 | 70-10-07-326-006 |
| 70-10-07-303-006 | 70-10-07-327-014 | 70-10-07-151-011 | 70-10-07-420-001 | 70-10-07-328-015 |
| 70-09-12-430-006 | 70-10-07-327-007 | 70-10-07-329-005 | 70-10-07-332-003 | 70-10-07-329-024 |
| 70-10-07-301-006 | 70-10-07-302-006 | 70-09-12-430-009 | 70-10-07-327-017 | 70-10-07-302-010 |
| 70-10-07-326-005 | 70-10-07-327-022 | 70-10-07-304-012 | 70-10-07-328-001 | 70-10-07-326-002 |
| 70-10-07-151-021 | 70-10-07-304-011 | 70-10-07-420-014 | 70-10-07-351-002 | 70-10-07-304-013 |
| 70-10-07-328-014 | 70-10-07-330-001 | 70-10-07-351-001 | 70-10-07-303-007 | 70-10-07-420-004 |
| 70-10-07-328-009 | 70-10-07-420-011 | 70-10-07-304-003 |                  |                  |

Section 5. Effective Date. This amendment to the Tallmadge Charter Township Zoning Ordinance was approved and adopted by the Township Board of Tallmadge Charter Township, Ottawa County, Michigan on \_\_\_\_\_, 2010, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on \_\_\_\_\_, 2010, 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 \_\_\_\_\_, 2010, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment Ordinance in the \_\_\_\_\_, 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.

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James VanEss,  
Township Supervisor

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Lenore Cook,  
Township Clerk

**CERTIFICATE**

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Zoning Text and Map Amendment Ordinance was adopted at a regular meeting of the Township Board held on \_\_\_\_\_, 2010. 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 \_\_\_\_\_ on \_\_\_\_\_, 2010.

\_\_\_\_\_  
Lenore Cook, Clerk  
Tallmadge Charter Township