

**ZONING ORDINANCE  
CHARTER TOWNSHIP OF ALLENDALE, MICHIGAN  
ORDINANCE EFF. DECEMBER 28, 1988**

AN ORDINANCE TO ESTABLISH ZONING REGULATIONS FOR THE CHARTER TOWNSHIP OF ALLENDALE, OTTAWA COUNTY, MICHIGAN, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF, AND TO REPEAL THE ZONING ORDINANCE ADOPTED ON APRIL 28, 1975, IN ACCORDANCE WITH THE PROVISIONS OF ACT 184 OF THE PUBLIC ACTS OF MICHIGAN, 1943, AS AMENDED.

**THE CHARTER TOWNSHIP OF ALLENDALE ORDAINS:**

**ARTICLE 1  
TITLE**

**Sec. 1.01 TITLE.**

This ordinance shall be known, referred to, and cited as the "Allendale Charter Township Zoning Ordinance".

**ARTICLE 2  
PURPOSE, SCOPE AND INTERPRETATION**

**Sec. 2.01. PURPOSE.**

This ordinance shall affect the use and occupancy of all land and every building in the Charter Township. This ordinance has been made in accordance with a Land Use Plan and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements. These

regulations have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, with a view to conserving property values, encouraging the most appropriate use of land and to be in keeping with the general trend and character of population and building development.

**Sec. 2.02 SCOPE AND INTERPRETATION.**

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other

laws or ordinances, except those specifically repealed by this ordinance, or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or

larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this ordinance shall control.

**ARTICLE 3  
GENERAL PROVISIONS**

Updated 10-26-20

These general provisions are applicable to all districts.

**Sec. 3.01 EFFECT OF ZONING.**

Zoning affects every structure and use and extends vertically. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zone district in which it is located.

In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building or use shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

The regulations established by this Ordinance throughout the Township and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

**A. Uses and Buildings Permitted.** All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which they are located.

**B. Buildings Altered.** No building or other structure shall hereafter be altered:

1. To accommodate or house a greater number of persons or families than permitted by the Zoning District; and
2. To have narrower or smaller rear yards, front yards, or side yards, than permitted in this Ordinance.

**C. Yard and Lots.** No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.

**D. Unclassified Uses.** Where a proposed use of land or use of building is not contemplated or specified herein or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Board of Zoning Appeals. If the Board of Zoning Appeals determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not

## **General Provisions**

contemplated or specified herein, then the Board may permit such use in the district in which it is proposed to be placed, only after it determines that the proposed use will not adversely effect adjacent property, that the use is similar to other uses in the district, and that the spirit, purpose and intent of the zoning ordinance and land use plan are not impaired by permitting such use at the proposed location.

### **Sec. 3.02. RESTORATION OF UNSAFE BUILDINGS.**

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

### **Sec. 3.03 AREA AND SETBACK EXCEPTIONS AND CONDITIONS.**

#### **A. Structures or Projections Permitted.**

1. Terraces, steps, uncovered porches, decks and other similar features may project into required side and rear yard areas, but shall be no closer than five (5) feet to a side lot line and no closer than ten (10) feet to a rear lot line or ten (10) feet to an accessory building. A structure permitted under this section shall not exceed six (6) feet in height.
2. Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and other similar features may project into a required front, side, or rear yard by not more

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than twenty-four (24) inches.

3. Bays (including their cornices and eaves), balconies, and fireplaces, covered decks and covered porches may encroach into a required rear yard, but such encroachment shall not exceed five (5) feet into the required rear yard setback.

#### **B. Front Yard Exceptions.**

1. **Uniform Setback.** In any R District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block, is less or greater than the least front yard depth prescribed for the specific R District, then the required depth of the front yard of such lot shall be modified. In such case, the front yard shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, provided, however, that the depth of a front yard on any lot shall not be less than ten (10) feet, nor shall a front yard greater than fifty (50) feet be required by this paragraph.

#### **C. Side Yard Exceptions.**

1. On lots with a width of less than sixty (60) feet and recorded as such prior to December 28, 1988, the minimum width of each of the side yards shall be five (5) feet.
2. The side yard setback on the street side of a corner lot shall not be less than twenty five (25) feet.

**D. Rear Yard Exceptions.**

1. In all residential districts any lot of record recorded prior to December 28, 1988, less than one hundred twenty (120) feet deep may have three (3) inches deducted from the required rear yard depth for every foot the lot is less than one hundred twenty (120) feet deep, provided no rear yard shall be less than twenty (20) feet.
2. The required rear yard depth may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley line.

**E. Double Frontage Lots.** Buildings constructed on double frontage lots shall provide applicable front yards on both streets.

**Sec. 3.04. HEIGHT EXCEPTIONS.**

The height limitations of all zones shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, stacks, stage towers or scenery lofts, flags poles, silos, elevated water towers, electrical transmission towers, farm buildings, monuments, cupolas, domes, spires, and penthouses housing necessary mechanical appurtenances. Additions to existing buildings which exceed the height limitations of the zone district up to the height of the existing building will be permitted in those instances in which the lot is large enough to encompass a circular area with a radius equal to at least the height of the structure. Notwithstanding the first sentence of this Sec., television and

radio reception and transmission antennas and towers, shall be subject to all height limitations contained in Article 25.

**Sec. 3.05. USE CONDITIONS AND EXEMPTIONS.**

**A. Mobile Homes.** Mobile homes and other premanufactured units are considered as dwelling units and shall not be considered as accessory to a permitted use. Where permitted by this ordinance, the structure shall conform in all respects to the requirements of this ordinance as they pertain to any other structure, except as otherwise provided herein.

**B. Transition Zoning.** The Planning Commission may authorize, as a special use, that the first R-1, R-2 or R-3 zoned lot with the side yard adjacent to a commercial or industrial zone (without any street intervening between said properties) may be used for uses permitted and as regulated in the R-4 Zone District, subject to compliance with the procedures and standards for the granting of special use permits in Article 20 of this Ordinance and compliance with the standards set forth herein. Unless unusual or unique circumstances exist such transition lot shall not be construed to extend more than one hundred fifty (150) feet from such commercial or industrial zone. For approval of these uses, a final site plan and an architectural elevation of all structures to be erected shall be submitted to the Planning Commission, as required in Article 24. The plan shall show compliance

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with all the following standards:

1. That all yard and area requirements of the zone districts are met;
2. That parking areas and access drives are adequate;
3. That the landscaping and screening plan provides a buffer where appropriate;
4. That proposed signs comply with the requirements of Section 22.13.C.;
5. That the proposed building has a residential appearance keeping in conformity with the adjacent neighborhood;
6. The use shall be subject to site plan review as established in Article 24.

**C. Traffic Safety Sight Areas; Fences.**

In all zoning districts, fences, walls, hedges, or clumps of shrubs are to be setback a minimum of ten (10) feet from the edge of the public or private road right of way. In addition, in all residential zones, fences, walls, hedges, or clumps of shrubs within fifteen (15) feet of the edge of the public or private road right of way, shall not exceed thirty (30) inches in height measured from the average grade of the center of the road that the lot fronts on. In the case of a corner lot, no fence, wall, hedge, clump of shrubs, or sign over thirty (30) inches high may be placed in the traffic safety sight area. The traffic safety sight area is a triangular area on a corner lot, two of the sides of such triangle being formed by extending two imaginary lines from

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the corner of the lot adjacent to the street intersection at least thirty (30) feet along each right-of-way line to two points along the sides of the lot parallel to the two intersecting streets, the third side then being formed by the connection of such points. No fence or wall may, in any event, exceed a height of six (6) feet above lot grade.

**D. Mechanical Appurtenances.** In commercial districts, mechanical appurtenances such as blowers, ventilating fans and air conditioning units must be placed at least twenty (20) feet away from adjoining residential properties.

**E. Mechanical Work.** Mechanical work on trucks over one (1) ton or race cars (stock or otherwise), owned by the occupant of a dwelling or on any other vehicles not owned by an occupant of the premises is prohibited in residential zones. Any permitted work on vehicles shall be performed inside an accessory structure. Any vehicle not in a legally operable condition shall be stored inside.

**F. Fallout Shelters.** Fallout shelters are permitted in any zone district as an accessory use provided that all yard and coverage requirements of the zone district are met. Community fallout shelters are permitted in any zone district as an accessory use but only after the plans therefore shall have been approved by the Planning Commission as suitable for the purpose and that the shelters and particularly exits, entrances, and ventilators are suitably located and in conformity with the character of the

adjacent neighborhood.

**Sec. 3.06. MOVING OR RAZING OF BUILDINGS.**

**A. Razing of Buildings.** No building, excluding farm structures, shall be razed until a permit has been obtained from the Zoning Inspector who shall be authorized to require a performance bond in any amount not to exceed \$1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable conditions as shall be prescribed in the permit and complying with such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Inspector or the Charter Township Board may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

All debris shall be removed, excavations filled, and site graded as soon as possible after removal of any structure, or within thirty (30) days, whichever comes first.

**B. House Moving.** Any person desiring to move any structure upon streets or highways within the Township shall file a building permit with the Zoning Administrator which shall become valid when the proper bond of \$25,000.00 has been filed with the Township. The permit shall state the streets or highways along which the structure shall be moved. No building shall be moved into the

Township or from one District to another unless such building complies with the District requirements. The owner or contractor shall cause written notice thereof to be given to the telephone and electric light companies and other utilities whose property may be affected by such removal. Fees for permits for moving buildings and structures as herein provided shall be established by resolution of the Township Board.

Prior to issuance of a house moving permit, the application shall be submitted to the Planning Commission who shall review the compatibility of the structure with the general character of the existing development surrounding the proposed site and the requirements of the zone district in which the structure is to be located. The Planning Commission shall deny an application if the Commission determines the structure is not compatible with existing development or does not comply with the district requirements.

All debris shall be removed, excavations filled, and site graded as soon as possible after removal of any structure, or within thirty (30) days, whichever comes first.

**Sec. 3.07. ESSENTIAL SERVICES.**

**A.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, boards or commissions, of overhead or underground gas, municipal departments, boards or commissions,

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of overhead or underground gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility buildings including maintenance and repair shop, vehicle or equipment storage buildings, outdoor vehicle or equipment storage yards, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare shall be permitted, as authorized or regulated by law and other ordinances of the Charter Township of Allendale in any district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this Ordinance. Towers and antennas, as those terms are defined in Section 25.03, are not permitted or authorized pursuant to the provisions of this Section 3.07 but are, instead, permitted only as is provided in Article 25.

**B. Notwithstanding the preceding exceptions:** Public utility buildings including maintenance and repair shops, vehicle or equipment storage buildings, electrical substations, gas regulator stations and outdoor storage of vehicles or equipment are permitted only in accordance

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with the following limitations:

1. Such use shall only be permitted in each zoning district as provided in the following table, based on the size of the proposed building and type of facility: (See Table 3.07.B.1)
2. Public utility buildings having a floor area of two hundred (200) square feet or less shall be subject to site plan approval by the Zoning Administrator, in accordance with Article 24.
3. Public utility buildings greater than 200 square feet in floor area, electrical substations, gas regulator stations and outdoor vehicle or equipment storage yards shall be subject to site plan approval by the Planning Commission, in accordance with Article 24.
4. The design, construction and maintenance of electrical substations, gas regulator stations, public utility buildings and outdoor vehicle or equipment storage yards shall conform with the general character of the surrounding neighborhood. The Zoning Administrator or Planning Commission, as applicable, may require landscape screening and may impose conditions with respect to exterior building materials, color and exterior lighting, pavement of access drives and placement of utility services underground, to ensure compatibility with the surrounding neighborhood.
5. Electrical substations and/or gas regulator stations shall be enclosed on all sides by an opaque screen wall



having a minimum height of eight (8) feet, and constructed of architectural masonry or similar durable, high-quality materials that have a pleasing appearance.

**TABLE 3.07.B.1 – ESSENTIAL SERVICES**

*(Ord. No. 2020-5, Eff. 10-26-20)*

TYPE OF ESSENTIAL SERVICE FACILITY	FLOOR AREA	APPLICABLE REGULATIONS BY ZONING DISTRICT					
		AG and RE	R-1 through R-5	Office	G-C	C-3	I-1 & PID
Public utility buildings, including maintenance and repair shops, vehicle or equipment storage buildings.	200 square feet or less	Permitted, subject to Subparag. 2 and 4, below.	Permitted, subject to Subparag. 2 and 4, below.	Permitted, subject to Subparag. 2 and 4, below.	Permitted, subject to Subparag. 2 and 4, below.	Permitted, subject to Subparag. 2 and 4, below.	Permitted subject to Subparag. 2 and 4, below.
	greater than 200 square feet.	Permitted by Special Use Permit approval, in accordance with Article 20.	Not Permitted	Not Permitted	Not Permitted	Permitted, subject to Subparag. 3 and 4, below.	Permitted, subject to Subparag. 3 and 4, below.
Electrical substations and gas regulator stations.	Any size	Permitted, subject to Subparag. 3-5, below.	Permitted, subject to Subparag. 3-5, below.	Permitted, subject to Subparag. 3-5, below.	Permitted, subject to Subparag. 3-5, below.	Permitted, subject to Subparag. 3-5, below.	Permitted, subject to Subparag. 3-5, below.
Outdoor vehicle or equipment storage yards.	Any size	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Permitted, subject to Subparag. 3 and 4, below.	Permitted, subject to Subparag. 3 and 4, below.

**Sec. 3.08. OUTDOOR STORAGE, COMPOSTING, AND WASTE DISPOSAL.** Except in those circumstances where generally accepted agricultural and management practices (as those practices are defined from time to time by the Michigan Commission of Agricultural under the Michigan Right to Farm Act) are followed with respect to a farm operation, all outdoor storage, composting, and waste disposal shall conform to the following requirements:

- A.** All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- B.** All materials or wastes which might cause fumes, odors, or dust or constitute a fire hazard, or which may be edible by rodents or insects, shall be stored outdoors in closed containers and screened from the street or adjacent property.

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- C. No materials or waste shall be deposited on the premises in such form or manner that they may be moved off the premises by natural causes or forces.
- D. Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.
- E. All outdoor storage facilities for fuel, raw materials and products for every use, as enumerated and limited herein located less than one hundred (100) feet from any other district, shall be enclosed by a solid fence or wall not less than six (6) nor more than ten (10) feet in height.

**Sec. 3.09. CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS.**

Every use shall be so maintained, conducted or operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond any boundary line of the lot or parcel of land on which the use is located.

**Sec. 3.10. TEMPORARY**

**BUILDINGS.** The zoning inspector may issue a permit for the use of a temporary building or mobile home which does not otherwise meet the requirements of this ordinance for the following purposes:

- A. A mobile home may be used as a temporary residence on the same lot as a permanent residence that is being constructed, reconstructed, or

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repaired, under the following conditions:

1. A building permit has been issued for the construction or reconstruction of a permanent residence to the individual applying for the temporary permit or his contractor.
2. The mobile home or temporary structure is connected to an approved water well and septic tank system approved by the appropriate government agency, or public water or sewer system.
3. The location of the temporary structure must comply with all setback and yard requirements.

- B. A temporary building (including a mobile home) or yard is permitted for use as a foreman's office, tool crib or storage of construction materials or equipment, when such use is incidental and necessary to construction in the zoning district.

- C. A building or mobile home may be used as a temporary office when it is incidental and necessary to the sale or rental of real property in a housing project.

Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed for two (2) additional six (6) month periods at the same location. Any additional renewals shall be approved by the Planning Commission.

Any temporary use to be in place for a period greater than six (6) months shall be landscaped in a manner that

would improve its appearance and ensure the compatibility of the temporary use with adjacent uses.

An application for approval or renewal of a temporary use permit shall be accompanied by a fee established by resolution of the Township Board. Any temporary use not removed upon expiration of the temporary use permit is in violation of this ordinance.

**Sec. 3.11. ACCESSORY USES AND BUILDINGS.** This section applies to all Zoning Districts and is divided into: (A) General Regulations, (B) Location Regulations, (C) Permitted Accessory Uses and (D) Prohibited Accessory Uses.

**A. General Regulations.** Except as otherwise permitted in this Ordinance, accessory uses shall be subject to the following regulations:

1. Accessory uses and buildings are permitted only in connection with, incidental to and on the same lot with the principal use or building which is permitted in the particular zoning district.
2. An accessory use must be in the same zoning district as the principal use on a lot or parcel.
3. No accessory use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
4. All accessory uses and buildings shall comply with the use limitations applicable in the zoning district in

which it is located.

5. All accessory uses and buildings shall comply with the height restrictions of this Ordinance. No detached accessory building in a Residential District shall exceed fourteen (14) feet in height.
6. In the Agricultural and Rural Estate Districts the maximum square footage of a single building or the total square footage of all accessory buildings shall not exceed 30 percent of the square footage of an area which is determined by multiplying the rear yard setback of 50 feet by the width of the lot as measured at the rear wall of the principal building. (see figure 3-2)

All accessory buildings such as private garages, storage buildings, or barns shall be subject to the size limitations set forth under the Permitted Accessory Uses Section 3.11.C. Farm Buildings as defined in Article 32 are not subject to these requirements.

*(Ord. 2016-4, Eff. July 18, 2016)*

7. No detached accessory building or recreational vehicle shall in any way be used for residential occupancy or purpose.
8. Fences are accessory uses and are covered by the regulations set forth in Section 3.05.C.
9. If an accessory building is attached to a main building by any wall or roof construction, it is subject to and must conform to all regulations of

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this Ordinance applicable to such main buildings.

10. In all residential zones, motor vehicles not intended for private passenger use shall be garaged at all times. However, this requirement does not apply to recreational vehicles which are subject to Section 3.11.C.3.b.

11. Number, Size and Design of Accessory Buildings in Residential Zones

(Ord. 2016-4, Eff. July 18, 2016)

- a. Every lot in a Residential Zone is permitted to have two detached accessory buildings.
- b. For lots in the R-1, R-2, R-3, and R-4 zones which are one acre (43,560 sq. ft.) or less in size the maximum square footage of a single accessory building or the total square footage of two accessory buildings shall not exceed 2.3 percent of the square footage of the lot containing the accessory building or buildings subject to compliance with the building setback requirements.
- c. For the lots in the R-1, R-2, R-3, and R-4 zones which are more than one acre in size the maximum square footage of a single accessory building or the total square footage of two detached accessory buildings shall not exceed 30 percent of the square footage of an area which is determined by multiplying the rear yard setback required for the zoning district within which the

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accessory building or buildings are located by the width of the lot as measured at the rear wall of the principal building.

*For example, in the Agricultural Zone the required rear yard setback is 50 feet so if the width of the lot as measured at the rear wall of the principal building is 150 feet then the maximum building size can be determined by multiplying 50 feet (required setback) by 150 feet (lot width)=7500 sq. ft. x 30%=a 2250 sq. ft. accessory building. (see figure 3-2)*

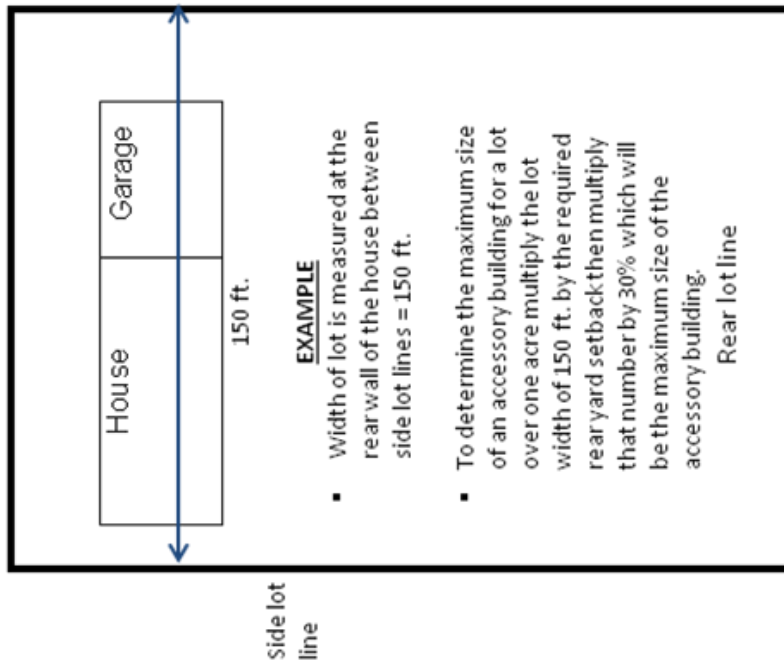
- d. Accessory buildings which are 200 square feet or more in size shall have an architectural character and design which is the same as or similar to the principal building in color, siding, roofing, roof pitch and overhead doors. Accessory buildings in the Agricultural, RE, R-1, R-2, R-3, and R-4 zones which are located on lots of more than one acre in size however, are exempt from this requirement.

### **B. Location Regulations.**

1. In all zoning districts, other than the Agricultural and Rural District, detached accessory buildings may be erected only in rear or side yards. In the Agricultural or Rural District, detached accessory buildings may be erected in the front yard area provided that the proposed accessory building meets all of the following requirements:
- a. The area of the roof perimeter of the detached accessory building

**ALLENDALE CHARTER TOWNSHIP  
ACCESSORY BUILDING REQUIREMENTS**

**EXAMPLE DRAWING FOR LOTS ONE ACRE AND LARGER  
FIGURE 3-2**



**EXAMPLE**

- Width of lot is measured at the rear wall of the house between side lot lines = 150 ft.
- To determine the maximum size of an accessory building for a lot over one acre multiply the lot width of 150 ft. by the required rear yard setback then multiply that number by 30% which will be the maximum size of the accessory building.

**Maximum Accessory Building Size**

- For lots in the R-1, R-2, R-3 and R-4 zones which are one acre or less in size the maximum square footage of a single building or the total square footage of two buildings shall not exceed 2.3 percent of the square footage of the lot containing the accessory building or buildings subject to compliance with the building setback requirements.
  - For lots in the AG, RE, R-1, R-2, R-3, and R-4 zones which are one acre or more in size the maximum square footage of a single building or the total square footage of two detached accessory buildings shall not exceed 30 percent of the square footage of an area which is determined by multiplying the rear yard setback (see required rear setback below) by the width of the lot as measured at the rear wall of house between the side lot lines. See drawing example to the left. (Sections 3.11.A.6 & 3.11.A.11)
  - Required rear yard setback for principal buildings:
    - AG, RE, and R-1 Zones: 50 ft.
    - R-2 and R-3 Zones 25 ft.
    - R-4 Zone: 35 ft.
  - A minimum of 15 feet from the side and rear lot lines.
- Accessory Building Architectural Standards**
- Accessory buildings which are 200 square feet or more in size shall have an architectural character and design which is the same as or similar to the principal building in color, siding, roofing, roof pitch and overhead doors. Accessory buildings in the Agricultural, RE, R-1, R-2, R-3, and R-4 zones which are located on lots of more than one acre in size however, are exempt from this requirement.

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- shall not exceed the area of the roof perimeter of the principal building.
- b. The sidewalls of the detached accessory building shall not exceed 15 feet in height.
  - c. The detached accessory building shall have an architectural character and design including, but not limited to color, siding, roofing, roof pitch, and overhead doors, that is the same as the principal building. However, as an alternative the Zoning Administrator may approve landscape screening for certain portions of the accessory building. Such landscaping shall, at a minimum, consist of evergreen trees planted twenty (20) feet on center and which are at least four (4) feet in height at planting.
  - d. The detached accessory building shall be set back from the road right of way at least two thirds (2/3) the distance between the road right of way and the principle building, but at no time shall the setback from the road right of way be less than 300 feet.
2. The Planning Commission, however, may approve a detached accessory building which is closer than three hundred (300) feet from the road right of way as a Special Land Use per the procedures of Article 20 provided the building meets the architectural standards of 3.11.B.1. a-c listed above and that the Planning

Commission finds that the proposed building meets the standards of Article 20 and the following standards:

- a. The accessory building is located so that it will not be the predominate view as seen from adjacent residential dwellings or property. The Planning Commission may require that the building be re-located or landscaped or other screening measures be provided to ensure compliance with this standard.
- b. No part of the accessory building shall be more than fifty (50) feet in front of the dwelling unit which is on the same parcel as the accessory building. This distance shall be measured between that point of the foundation of the dwelling unit or its attached garage which is closest to the accessory building and the farthest point away of the accessory building foundation. In front of the dwelling unit shall mean the area between the dwelling unit and the front lot line. (see Figure 3.11.1)
- c. The accessory building shall be oriented such that the inside of the building is not directly visible from adjacent properties.
- d. The applicant must provide evidence that the proposed accessory building cannot reasonably be placed in another location on the property so that it would comply with the 300 feet

setback requirement of Section 3.11.B.1.d above. Such evidence could include but is not limited to the natural features of the site, location of existing buildings, septic systems, or water wells or configuration of the parcel.

3. Detached accessory buildings shall be located at least:

a. ten (10) feet from the principle building;

**b. Setbacks**

The minimum building setback for accessory buildings in all districts shall be 15 feet from any side or rear yard lot line.

Existing buildings which are located less than the required setback from a side or rear lot line may be expanded but the expansion itself must be setback from a side or rear lot line a distance not less than the setback required for the total size of the accessory building including expansion.

*(Ord. 2016-4, Eff. July 18, 2016)*

4. When an accessory use or building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback line on the lot in the rear of such corner lot.

5. In Residential Districts, an accessory use or building shall be located in the side or rear yard of the lot except

when attached to the main building. In the case of single family attached dwellings or apartment developments, parking garages or covered bays may be exempted from this requirement subject to site plan approval by the Planning Commission. One garage or storage building located in the rear yard of a single family lot may be located five (5) feet from a rear or side property line provided said structure does not exceed six hundred fifty (650) square feet in area.

6. Off street parking and loading spaces are considered accessory uses and shall be located in accordance with the provisions of Article 21. All parking spaces and structures serving the principal use of the parcel must be in the same zoning district as the principal use. Parking for commercial and industrial uses is allowed as specified in Article 21.

**C. Permitted Accessory Uses.**

Accessory uses and structures shall include, but are not limited to the following uses and structures; provided, that such use or structure shall be in accordance with the definition of Accessory Use contained in Article 32. All accessory buildings such as private garages, storage buildings, barns or roadside stands shall be subject to the size limitations set forth under this section.

**1. Accessory Buildings.** The following accessory buildings are permitted.

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- a. Barns and any other structures that are customarily incidental to an agricultural use in the AG District on a tract of land not less than five (5) acres. (See also Standards for Raising animals, Section 23.02)
  - b. Carports.
  - c. Child's playhouse, not to exceed one hundred (100) square feet in gross floor area, and child's play equipment.
  - d. Doghouses, pens and other similar structures for the housing of household pets, but not including kennels as defined in Article 32.
  - e. Fallout shelters.
  - f. Garages, private, subject to the following limitations:
    - 1. Garages in single family and two family residential districts shall be designed for a capacity of not more than three (3) vehicles.
    - 2. A garage accessory to a multiple family residence shall be designed for not more than two (2) vehicles per dwelling unit.
    - 3. A private garage in a Residential District shall not be used for the parking or storage of a commercial vehicle with a capacity that exceeds one (1) ton. The parking of one vehicle that exceeds a capacity of one (1) ton may be permitted with the approval of the Planning Commission as a special use,
- provided that a suitable enclosed structure to park such vehicles is provided. The procedures and standards of Article 20 shall apply.
- h. Swimming pool and bathhouse, private.
  - i. Guest house or rooms for guests in an accessory structure, but only in an AG District, and provided the structure does not have kitchen facilities, and is used for the occasional housing of guests of the occupant of the principal structure and not as rental units or for permanent occupancy as housekeeping units.
  - j. Porches, gazebos and similar structures.
  - k. Recreation, storage and service structures in a mobile home park.
- 2. Accessory Uses.** The following accessory uses are permitted:
- a. Residence for a business proprietor or storekeeper and their family but only if located in the same structure as their business or occupation.
  - b. Signs, as permitted by Article 22.
  - c. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls and hedges.
  - d. Temporary sale of seasonal produce; permitted on any residential lot provided the display area shall not exceed fifty (50) square feet in area.



- e. Temporary garage or rummage sales; permitted in any district, provided such sales shall be limited to seven (7) days in any ninety (90) day period.
- f. Parking and loading spaces, off-street, as regulated in Article 21.
- g. Parking of a one (1) one-ton capacity vehicle in a residential district, provided that the vehicle is used by the occupant of the lot.
- h. A family day-care home or group day-care home as defined in section 1 of Act No.116 of the public acts of 1973, and as regulated by Sec. 23.11.

**3. The following accessory uses are permitted,** provided that the use may be located only in the rear yard and the use shall not occupy or cover more than thirty (30) percent of the rear yard.

- a. Tennis, basketball or volleyball court, and similar private outdoor recreation uses.
- b. Parking of major recreational equipment or recreational vehicles in any Rural Estate or Residential District, provided that the vehicle or equipment may only be located in the side or rear yard no closer than five (5) feet to any property line. No more than two (2) recreational vehicles or pieces of equipment, or combinations thereof, may be parked on a residential lot.
- c. Swimming pool and bathhouse,

private, not less than ten (10) feet from adjacent properties.

- d. Outside storage of wood, compost, and similar material, provided that all such outside storage (i) must be located in the rear yard, (ii) be screened from the view from any neighboring dwelling (determined from the first story thereof), and (iii) the total land area used for such outside storage shall not exceed one hundred (100) square feet. The restrictions contained in the immediately preceding sentence shall not apply to farm operations with respect to the composting of waste material generated by the farm operation provided the composting is conducted in accordance with generally accepted agricultural and management practices as defined by the Michigan Commission of Agriculture from time to time under the Michigan Right to Farm Act.
- e. Amateur radio antenna structures, antennas, including towers or dishes for the reception of radio or television broadcasts, as regulated in Article 25.

**D. Accessory Uses Not Permitted.** The following accessory uses are prohibited:

- 1. In all Rural Estate and Residential Districts, outdoor storage or overnight parking of buses, commercial trucks, trailers used for commercial purposes, or other commercial vehicles with a capacity that exceed one (1) ton, or commercial equipment, such as paving machines or large

## **General Provisions**

lawnmowers, unless specifically permitted by the Planning Commission as an accessory to a permitted non-residential special use at the time the non-residential special use is approved by the Planning Commission.

2. Junk yards, scrap heaps, or refuse piles.
3. Sale of a motor vehicle, provided that a vehicle owner may display his or her own vehicle on his or her own property.
4. Outdoor repair or storage of motor vehicles for a period in excess of ten (10) days.

**Sec. 3.12. PRINCIPAL BUILDING ON A LOT.** In all districts not more than one (1) principal building or use shall be placed on a lot of record, except, in the case of multiple family housing developments, or commercial, institutional, or industrial developments where the Planning Commission may determine that a group of buildings collectively constitutes a principal use. In addition, agricultural use farm buildings shall collectively be considered to be one principal use.

### **Sec. 3.13. DISMANTLED OR INOPERABLE MOTOR VEHICLES.**

No persons shall park, store or permit or suffer to be parked or stored any dismantled, partially dismantled or inoperable motor vehicle upon any private premises within the Charter Township for a period of time exceeding ten (10) days. For the purposes of this

## **Allendale Township Zoning Ordinance**

section, the following rules and procedures shall apply:

- A. This section shall apply to the registered owner of such vehicle and to the owner or lessee of the premises wherein such a vehicle is parked or stored.
- B. This section shall not apply to any vehicle parked or stored within a wholly enclosed garage or other wholly enclosed structure.
- C. This section shall not apply to any premises owner or lessee who is not the registered owner of such a vehicle, if they notify the enforcing officer in writing, that such a vehicle is on the premises, without the consent of the owner or lessee, and shall authorize the enforcing officer to remove said vehicle, pursuant to Act 99, Public Acts of 1963, being Section 9.1952 M.S.A.
- D. The zoning administrator shall notify in writing the vehicle owner, premises owner and premises lessee, the identity and location of a vehicle which he believes violates this Section. The notice shall contain a warning that failure to comply with this Section within ten (10) days of receipt of the notice constitutes a misdemeanor offense. The notice may be served by personal service or by certified mail. If served by mail the notice shall be sent to the following addresses:
  1. The last known address of the owner of the motor vehicle, as shown by the records of the Secretary of State from the registration of the vehicle.

- 2. The last known address of the premises owner as shown by the tax records of the township.
- 3. The mailing address of such premises.

**E.** Mailing of the notice shall be an effective notice if delivered to the vehicle owner, property owner, or lessee, whether or not such notice is addressed as set forth above. Proof of mailing shall constitute prima facie proof of service of the notice, even if refused by the addressee. Notice by personal service shall be effective if delivered to the vehicle owner, premises owner, or premises lessee, or if left with a person of suitable age and discretion who resides with or works with the vehicle owner, premises owner, or premises lessee.

**Sec. 3.14 CONDOMINIUM PROJECT APPROVAL.**

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, (MCL 559.101 et.seq.) as amended, all condominium subdivision plans must be approved by the Township Board after receiving a recommendation from the Planning Commission. In determining whether to approve a condominium subdivision plan, the Township Board shall consult with the Zoning Administrator, Township Attorney, and Township Engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act. *(Ord. No. 2019-5, Eff. April 14,2019)*

**A. Initial Information.**

Concurrently with notice required to be given the Charter Township of Allendale pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

- 1. The name, address and telephone number of:
  - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
  - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
  - c. The developer or proprietor of the condominium project.
- 2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- 3. The acreage content of the land on which the condominium project will be developed.
- 4. The purpose of the project (for example, residential, commercial, industrial, etc.).

## General Provisions

5. Approximate number of condominium units to be developed on the subject parcel.
6. Whether or not a community water system is contemplated.
7. Whether or not a community septic system is contemplated.

### **B. Information to be Kept Current.**

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Compliance has been issued pursuant to Section 27.06 hereof.

- ### **C. Site Plans - New Projects, Master Deed, and Engineering and Inspections.**
- Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Article 24 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Compliance.

- ### **D. Site Plans - Expandable or Convertible Projects.**
- Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Article 24 of this Ordinance.

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### **E. Master Deed, Restrictive**

#### **Covenants and "As Built"**

**Survey to be Furnished.** The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Zoning Administrator for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

- ### **F. Compliance with Federal, State and Local Law.**
- All condominium projects shall comply with Federal and State Statutes and local ordinances.

### **G. State and County Approval.**

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

- ### **H. Easements for Utilities.**
- The condominium subdivision plan shall include all necessary easements granted to Allendale Township, or Ottawa County if appropriate, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose

of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator and this requirement shall be made part of the bylaws and recorded as part of the master deed.

**I. Condominium Plan - Required**

**Content.** All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act and the following:

1. A survey plan of the condominium subdivision
2. A flood plain plan, when appropriate.
3. A site plan showing the location, size, shape, area and width of all condominium units.
4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
5. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
6. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.

**J. Relocation of Boundaries.** The relocation of boundaries, as described in Section 48 of the Condominium

**K. Subdivision of Condominium**

**Units.** All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

**L. Mobile Home Condominium**

**Project.** Mobile Home condominium projects shall conform to all requirements of this Ordinance and shall be located only in R-5 Mobile Home Park.

**M. Site Condominium Projects.**

All Condominium Projects which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites shall provide in the condominium plan a building envelope which complies with the setback, area and condominium projects shall meet the provisions of Article IV and Article V of the Allendale Charter Township Subdivision Ordinance, as amended. Where conflict may exist between this Section 3.14 and the Allendale Charter Township Subdivision

Ordinance, the more restrictive shall control. *(Ord. No. 2020-4, Eff. 10-26-20)*

**N. Single Family Detached**

**Condominiums.** Single family detached condominiums shall be subject to all requirements and standards of the applicable residential district regulations including minimum floor area requirements. There shall be maintained a minimum distance of eighty (80) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This eighty (80) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum area requirements can be met.

**O. Streets and Roads and Sidewalks.**

1. All streets and roads in a site condominium project shall, at a minimum, conform to the standards and specifications promulgated by the Ottawa County Road Commission, or private roads built to Allendale Township Private Road standards. (see Article 23, Sec. 23.12)
2. The developer shall install sidewalks, designed and installed to Allendale Charter Township Standard Construction Requirements\*, along the development side of all public streets on which the development has frontage if the public street has a bituminous hard surface or if the

developer is proposing to hard surface the public street on which the development has frontage. In cases where a sidewalk, or portion of a sidewalk, is outside of the public street right-of-way, a public easement for sidewalk purposes is required. The developer shall also install sidewalks, designed to the Allendale Charter Township Standard Construction Requirements, along all public and private streets shall be maintained solely by the developer or successor Homeowners Association.

\* See [www.allendale-twp.org](http://www.allendale-twp.org)  
*(Ord. No. 2020-4, Eff. 10-26-20)*

**P. Paved Public Streets.**

The land for which a condominium is proposed under this Ordinance shall have frontage on and abut a paved public street for the entire width of the parcel being proposed for the condominium. If such land is a corner lot each public street abutting the land must be paved as noted herein.

If the land does not have such paved public street frontage the developer of the condominium may make such improvements as are necessary to comply with Section 3.14.P. above to provide the required paved street frontage subject to the approval of the Township Board and Ottawa County Road Commission. If a parcel has frontage on only one public street such improvements shall be extended from an existing paved public street to the farthest lot line of the parcel contain the proposed condominium.

If the parcel is a corner lot only one of the street frontages must be paved as extended from an existing paved public street to the farthest lot line of the parcel containing the proposed condominium. This street shall be considered the primary street frontage for the condominium.

In order to comply with the requirement of Section 3.14.P above the remaining street frontage (the secondary street frontage) for the condominium must be paved at such time that an entrance to the condominium is provided onto the secondary street frontage. This paving shall be extended from the paved primary street frontage to the condominium entrance on the secondary street.

*(Ord.2015-8, June 22, 2015)*

**Q. Public Water and Sewer**

Public water and sewer service shall be provided to all condominium projects according to the requirements of Section 5.3.1.g of the Allendale Charter Township Subdivision Ordinance, as amended.

*(Ord. No.2019-5, Eff. April 14, 2019)*

**R. Condominium Project Approval – Public Hearing**

The Planning Commission shall hold a public hearing on the proposed condominium project. At least fifteen (15) days in advance of such hearing, notice shall be published in a local newspaper of general circulation and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300

feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice of public hearing must contain the following information: time and place of the hearing, description of the property in question, the use being proposed, and when and where written comments may be accepted.

*(Ord. No.2019-5, Eff. April 14, 2019)*

**Sec. 3.15. Residential Occupancy Regulations.**

**A.** Intent. This section is intended to reasonably regulate the occupancy of dwelling units. The Township finds that occupancy regulations are needed to provide density control, preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children and protect safety and welfare of township citizens. Such regulations are also needed to ensure that there are adequate public and private facilities including off-street parking, utilities, and lot size to accommodate the residents of each dwelling unit. This section is also intended to accommodate alternative living arrangements.

**B.** A dwelling unit may be occupied only by one of the following household living arrangements.

1. One person, in all districts where residential use is allowed by ordinance.
2. Two persons living as a single housekeeping unit, in all districts where residential use is allowed by ordinance.

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3. Three persons living as a single housekeeping unit in the R-3 and R-4 zoning districts. In the case of multiple housekeeping units, on the same property and within the same development, the occupancy of three persons living as a single housekeeping unit shall be computed collectively so that as a total the occupancy shall never be greater than three when dividing the number of occupants by the number of housekeeping units within the development.
4. Two or more persons all related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in all districts where residential use is allowed by ordinance.
5. Group Housing if the property is in the R-4 zoning district and is also in the group housing overlay district and following the procedure for Special Land Use in Article 20. The occupancy not to exceed two persons per bedroom but no to exceed the maximum occupancy permitted under the building code.
6. A functional family living as a single housekeeping unit, as a special use in the agricultural or any residential zoning district.

An owner occupied dwelling occupied by a household described in 1. or 4. above may also include two additional persons as boarders, exchange students, or similar temporary residents.

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- C. In this section, "offspring" means descendants, including natural offspring, adopted children, foster children and legal wards.
- D. In this section "functional family" means a group of people plus their offspring, if any, having a relationship which is functionally equivalent to a family. The relationship be must of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary, such as during a school year or series of school years. Occupancy of a structure by a functional family shall not exceed the occupancy limits of the Building Code, as amended, as adopted from time to time by Township Ordinance, or a limit of two persons per bedroom, whichever is less.
- E. In this section "group housing overlay zone" means all property in an area described as follows: Section 25 and the south 1/2 of Section 24, T7N, R14W, and Section 30 and the south 1/2 of Section 19, T7N, R13W.
- F. Where such uses are permitted elsewhere in this ordinance, the occupancy limits of this section do not apply to rooming or boarding houses, fraternity or sorority houses,



student cooperatives, emergency shelters, convalescent homes, group homes, nursing homes, tourist homes, or agricultural labor housing approved by an agency of the State of Michigan.

- G. The conversion of an existing single family dwelling into group housing or occupancy as permitted by Section 3.15B4 shall be permitted only if a special use permit for such conversion has been approved by the Planning Commission.

**Sec. 3.16 CUL-DE-SAC LOT REGULATIONS IN THE AG AND RE ZONE DISTRICTS.**

For lots which are to be created on a cul-de-sac in the AG and RE zones the required minimum lot width shall be achieved one hundred twenty five (125) feet from the front lot line as measured between the side lot lines along a line which is parallel to the front lot line as illustrated in Figure 3-1 herein. Such lots shall have a minimum of forty (40) feet of frontage as measured along the arc of the front lot line of the cul-de-sac.  
*(Ord. 2014-3, Eff. 3-16-2014)*

**Sec. 3.17 SETBACKS TO PUBLIC UTILITIES**

For residential lots created by a land division pursuant to Section 108 of Michigan Land Division Act, Act 288 of 1967, as amended, a Planned Unit Development, a Condominium Project, a plat Pursuant to the Allendale Charter Township Subdivision Ordinance, or any other means after June 10, 2018, and which lots are connected to public water

and or public sanitary sewer, side yard setbacks shall be no less than ten (10) feet to any residential accessory building or residential principal building where a public utility line is present or is planned to be installed within the required side yard.

*(Ord. 2018-6, Eff. 7-1-2018)*

**Sec. 3.18 MARIHUANA FACILITIES AND ESTABLISHMENTS PROHIBITED**

- A. The following uses are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance:

1. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act.
2. Any and all types of a “marihuana facility,” as that term is defined and used in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*

- B. This section 3.18 does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*  
*(Ord. 2019-8, Eff. 7-1-2019)*

**General Provisions**

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Updated December 14, 2013  
Ord. #2013-23

Updated February 24, 2014  
Ord. #2014-3

Updated June 22, 2015,  
Ord. #2015-8

Updated July 18, 2016  
Ord. #2016-8

Updated July 1, 2018  
Ord. #2018-6

Updated April 14, 2019  
Ord. #2019-5

Updated July 1, 2019  
Ord. #2019-8

Updated October 26, 2020  
Ord. #2020-4

Updated October 26, 2020  
Ord. # 2020-5

**ARTICLE 4**

**MAPPED DISTRICTS**

UPDATED 3-14-22

**Sec. 4.01 ZONING DISTRICTS.**

For the purposes of this ordinance, the Charter Township of Allendale is hereby divided into the following zoned districts:

- A. AG Agricultural and Rural District Regulations.
- B. RE Rural Estate District Regulations.
- C. R-1 Low Density One-Family Residential District Regulations:
- D. R-2 Medium Density One-Family Residential District Regulations.  
*(Ord. No. 2022-05, Eff. 3-14-22)*
- E. R-3 Low Density Multiple Family Residential District Regulations.
- F. R-4 Medium Density Multiple Family Residential/Office District Regulations.
- G. R-5 Mobile Home Park District Regulations.
- H. PUD Planned Unit Development District Regulations.
- I. O-Office District Regulations.
- J. (Reserved)
- K. GC General Commercial District Regulations.

L. C-3 Service Commercial District Regulations.

M. I-1 Light Industrial District Regulations.

N. (Reserved)  
*(Ord. No. 2020-5, Eff. 10-26-20)*

**Sec. 4.02 THE ZONING MAP.**

The locations and boundaries of these districts are hereby established as shown on a map, entitled “The Zoning Map of the Charter Township of Allendale, Ottawa County, Michigan,” which accompanies and is made a part of this ordinance. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Charter Township boundaries shall be construed as following township boundaries.
- D. Boundaries indicated as following shorelines shall be construed as following such shoreline, and in the event of change in shoreline shall be construed as moving with said shoreline

- E. Lines parallel to streets or roads without indicating the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
  
- F. Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such lines as of the effective date of this ordinance.

**Sec. 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT.**

In every case where property has not been specifically included within a district, such property shall be in the most restrictive district located immediately adjacent to the subject property.

**Sec. 4.04 OFFICIAL ZONING MAP.**

Regardless of the existence of copies of the zoning map which may be made or published, the official zoning map shall be located at a place designated by the Township Board and shall be the final authority as to the current zoning status within the charter township.

*Ord. No. 2020-5  
Eff. 10-26-20*

*Ord. No. 2022-04  
Eff. 3-14-22*

**ARTICLE 5**  
**AG AGRICULTURAL AND RURAL DISTRICT**  
 Updated 3-30-2020

**Sec. 5.01 DESCRIPTION AND PURPOSE.**

This zone is intended for tracts of land within the township that are best suited and located for agricultural production and related operations. If development or the dividing of land are to occur, they should be preceded by proper planning and rezoning. The purpose of this district is also to provide sites for single family residential development where a rural atmosphere is to be maintained. Lands within this district may also be used for recreational purposes. A low intensity of uses must be maintained since it is not expected that lands within this district will be served with complete municipal services at any point in the foreseeable future.

**Sec. 5.02 PERMITTED USES.**

Land or buildings in the AG District may be used for the following purposes only:

- A.** Farms for both general and specialized farm operations, including the following agricultural activities:
1. crop production, including berry farms, row crops, orchards, field crops, grain, hay, pasturelands and vineyards.
  2. commercial animal raising, including rabbit farms, fur bearing animal ranches, hog farms, dairy farms and cattle farms.  
*(2020-2, 3-30-2020)*
  3. farm buildings designed and constructed

to store implements, hay, grain, poultry, livestock, or other horticultural products.

4. wholesale nurseries, including tree or sod farm and greenhouses.
  5. egg hatcheries.
  6. confined animal feeding operations and intensive animal raising.
- B.** One single family residence on each lot.
- C.** Conservation area for flora or fauna, forest preserve, game refuge.
- D.** Parks or recreation areas owned or operated by a government agency.
- E.** Permitted Accessory Uses.
1. Uses customarily accessory to farm operations.
  2. Permitted accessory uses and buildings, as regulated in Section 3.11.
  3. Home occupation as an accessory to a permitted use, as regulated in Section 23.07.
- F.** Adult foster care small group home, licensed under Act 218 of the Public Acts of 1979, as regulated in Section 23.11.
- G.** Farm Markets as regulated by 5.07.H.

**Sec. 5.03 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be authorized by the Planning Commission, subject to compliance with the procedures and standards established for special use permits in Article 20 of this ordinance:

- A.** Agricultural related service establishments.
- B.** Agricultural labor housing.
- C.** Radio and television broadcasting buildings and towers.
- D.** Removal and processing of top soil, sand, gravel, or other minerals - see Sec. 23.08.
- E.** Recreational vehicle storage yard – see Sec. 23.13.
- F.** Churches, synagogues and other buildings used for religious worship. – see Sec. 23.05
- G.** Schools and colleges, government buildings - see Sec. 23.05.
- H.** Golf courses, country clubs, athletic grounds, parks - see Sec. 23.10.
- I.** Open Space development – see Sec. 23.18
- J.** Establishments for the sale, rental or storage of farm equipment with incidental repair and service, subject to the standards of Section 23.03.D.

- K.** Cemeteries. (See Section 23.05)
- L.** Kennels.  
*(2020-2, 3-30-2020)*
- M.** Marinas - see Sec. 23.10B.
- N.** Airfields, heliports, and landing strips.
- O.** Campgrounds.
- P.** Guest or dude ranches, riding stables
- Q.** Race Tracks.
- R.** Hunting clubs, wildlife refuges, shooting ranges.
- S.** Public utility buildings, including maintenance and repair shops, vehicle or equipment storage buildings, having a floor area greater than two hundred (200) square feet.
- T.** Support Services Residence, see Section 23.17.
- U.** Any use that is found by the Planning Commission to be similar to any special use listed under Section 5.03, provided that such use to be approved is not permitted by right or by special use in any Zoning District.

**Sec. 5.04 HEIGHT REGULATIONS.**

No building shall exceed thirty (30) feet in height. Farm buildings and TV and radio broadcasting towers shall be permitted at their usual and customary heights.

**Sec. 5.05 AREA REGULATIONS.**

All buildings, structures or additions thereto shall comply with the following requirements:

**A. FRONT YARD.** The uniform setback provisions of Section 3.03B shall apply to all residential buildings, structures, and additions. If a uniform setback does not exist, the front yard setback shall be not less than forty (40) feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50) feet, and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60) feet. Notwithstanding the provisions of the immediately preceding sentence, (i) a lot (see definition in Section 32.13) which is of record as of July 28, 1998 or (ii) any lot included in a proposed plat, building envelope or site in a proposed site condominium, or building site located in any other type of development which is on file with the Township as of July 28, 1998, shall only be required to have a front yard setback of forty (40) feet; and shall not be required to have a front yard setback of fifty (50) feet if on a primary street or sixty (60) feet if on a major arterial street.

**B. SIDE YARD.** For residential buildings, there shall be total side yards of not less than twenty-five (25) feet provided that no yard shall be less than ten (10) feet.

**C. REAR YARD.** There shall be a rear yard of not less than fifty (50) feet.

**D. LOT AREA AND WIDTH.** The minimum lot area shall not be less than one (1) acre and the width of the lot at the front setback line shall be not less than one hundred fifty (150) feet except for lots on a cul-de-sac as permitted by Section 3.16 herein. Any lot in existence on December 22, 1988, may be used for one (1) single family dwelling provided that it meets the lot area and yard requirements of the R-1 Zone District. *(2014-3, 2-24-2014)*

**Sec. 5.06 MINIMUM FLOOR AREA.**

Each single-family dwelling in this zone shall have a minimum finished habitable floor area, above exterior finished grade, of one thousand two hundred (1,200) square feet. Each dwelling unit shall have a minimum of twenty-four (24) feet of width for a minimum of twenty-four (24) feet in length. Each single-family dwelling shall be constructed with an attached garage a minimum of four hundred and eighty four (484) square feet.

**Sec 5.07 ADDITIONAL REGULATIONS.**

**A.** Buildings constructed for use in connection with a confined animal feeding operation or intensive animal raising operation or buildings converted into such use which have a floor area greater than 10,000 square feet in area or additions to such buildings resulting in a building exceeding 10,000 square feet in area shall be subject to site

plan review by the planning commission as provided in Article 24. In addition, such buildings shall be subject to the following requirements:

1. Such structures shall be set back 500 feet from any existing residence, except that of the confined feeding operator.
2. Such structures shall be set back 1,000 feet from any existing church, school, or public recreation area.
3. Such structures shall be set back 200 feet from any public right-of-way.
4. Such structures shall be set back 1,300 feet from any existing residential plat.

**B.** Manure pits, sewage lagoons and similar facilities require the approval of the Planning Commission. Such a facility shall be designed by a registered professional engineer or by an agent of the soil conservation service, who shall certify the adequacy of the proposed facility. The Planning Commission may consult with the township engineer, the soil conservation service or other agencies before approving or denying a request. If approved, such a facility must be built, operated and maintained according to plans approved by the Planning Commission.

**C.** Keeping and raising animals - see Sec. 23.02.

**D.** Parking requirements - see Article 21.

**E.** Signs - see Article 22.

**F.** Standards for single- and two-family Dwellings - see Sec. 23.14.

**G.** Foster care facilities - see Sec. 23.11.

**H.** Farm Markets as defined herein may be conducted as a principal use or on a parcel containing a principal use in accordance with the following requirements.

1. In addition to the following regulations a farm market is subject to the Generally Accepted Agricultural and Management Practices (GAAMP's) for Farm Markets as adopted by the Michigan Department of Agriculture.

2. Temporary Farm Markets. For farm markets which operate during the growing and harvesting season only and which utilize stands, tables, shelves, canopies, wagons, vehicles or similar items which are portable and used for the display and sale of farm products the following regulations shall apply:

a. Such items shall not be located within the road right of way but shall be setback a minimum of 10 feet from the side and rear lot lines.

b. Such farm markets shall provide safe, adequate and convenient off street parking which does not require the vehicle to back into the abutting public road to exit the site.

c. The items used to display the farm products shall be taken down when the farm market is not operating.



3. Farm Markets within Temporary Enclosures. For farm markets which operate within a temporary enclosure such as a tent or similar enclosure so that customers must enter the enclosure to purchase the products offered for sale contain the following regulations shall apply:

- a. The farm market owner or operator shall submit an accurate drawing illustrating the location of the lot lines, the size and type of enclosed structure containing the farm market, the setback of the structure, parking area, access drive, information on the type of and area devoted to farm and non-farm products to be sold and other relevant features of the proposed farm market to the Zoning Administrator who shall review the drawing and make such recommendations as are necessary and practical to ensure that the use is designed to ensure the safety of patrons on the site and entering and leaving the site.
- b. A minimum of five off street parking spaces shall be provided. Such spaces need not be paved but shall be located so vehicles do not need to back into the public road.
- c. The temporary enclosed structure shall be setback a minimum of thirty (30) feet from the front lot line and a minimum of ten (10) feet from the side and rear lot lines.

4. Farm Markets in Permanent Buildings. For farm markets which operate within a

permanent building the following regulations shall apply:

- a. The farm market operator shall submit a site plan to the Planning Commission to ensure that the project is designed to be compatible with adjacent land uses, to provide safe and efficient vehicle traffic flow and safety for pedestrians, to provide adequate utilities, storm water management provisions and public services and to ensure the orderly development of land uses in accordance with the intent and purposes of this Ordinance.
- b. The site plan shall be submitted in accordance with the requirements for a Final Site Plan as contained in Section 24.06 but is exempt from the Review Standards of Section 24.07 herein and the requirement that the landscape plan be sealed by a registered landscape architect. The Planning Commission may waive or modify the requirements for Final site Plans depending upon the size of the farm market in order to meet the objectives of the site plan review process noted above. The site plan is also subject to the requirements of Section 24.08 to 24.11 herein.
- c. As part of the submittal requirements the applicant shall provide the following:
  - i) Information on the type of farm and non-farm products to be sold;

- ii) A floor plan of the building showing the area to be devoted to the sale of the farm and non-farm products in order to verify compliance with the definition of farm market or
  - iii) As an alternative to the floor area requirement the applicant may provide information on the gross dollar sales of farm products in order to verify compliance with the definition of farm market.
- d. If the farm market constitutes the principal use of the parcel the building shall comply with the setback requirements for principle buildings in the AG Zone. If the farm market is
- e. Such farm markets shall provide safe, adequate and convenient off street parking which does not require the vehicle to back into the abutting public road to exit the site. The applicant shall provide evidence to the Planning Commission that the parking provided is adequate to meet the parking needs of the farm market. The parking area may be vegetative, ground, pavement or other suitable material.
- Lighting, if provided, shall comply with the requirements of Section 21.04.A. herein.
- f. As part of an approval of a site plan for the farm market, the Planning Commission, as applicable, may impose conditions or limitations as in its judgment may be necessary to
- achieve the objective of the site plan review process provided that such conditions do not significantly hinder the operation of the farm market and that the conditions are necessary to:
- i) Ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodation increased service facility loads caused by the land use or activity;
  - ii) Protect the natural environment and conserve natural resources and energy;
  - iii) Ensure compatibility with adjacent uses of land;
  - iv) Promote the use of land in a socially and economically desirable manner.
5. Sale of Non-Farm Products. Farm markets may sell the following non-farm products: landscaping and gardening items including but not limited to plant container, seed, bulbs, fertilizer, pest control items, bags of mulch and soils, gardening decorations and tools, and other similar gardening accessory items, and the limited sale of pre-packaged snack foods and beverages provided that the sale of all non-farm product items is clearly accessory to the principle farm market use and that the area devoted to the sale of such non-farm products does not occupy more that 20% of the total square footage used to display all the products offered for retail sale on the property and that such non-farm

products do not comprise more than 20% of the total gross dollars of all products sold.

The Zoning Administrator or Planning Commission as applicable may allow other non-farm products to be sold provided they are similar to those items listed above.

- 6. Sale of farm Products Not Produced by the Affiliated Farm. Farm products, as defined herein, which are not produced on and by the affiliated farm, may also be sold provided such products do not occupy more than 50% of the total square footage devoted to retail sales on the property and provided that such products do not comprise more than 50% of the total gross dollars of all products sold.

The combination of non-farm products and farm products not produced on and by the affiliated farm which are sold at a farm market as set forth in 5.07.H.5 & 6 above shall not in any case exceed 50% of the total square footage devoted to retail sales on the property or exceed 50% of the total gross dollars of all products sold. For example, if non-farm products occupy 20% of the total square footage devoted to retail sales (permitted

by 5.07.H.5) than farm products not produced on and by the affiliated farm shall occupy on more than 30% of the total square footage devoted to retail sales for a total of 50% of the total square footage devoted to retail sales.

- 7. Outdoor display. The locations and size of the outdoor sales area, the items displayed and the placement and type of structures used for display shall be determined by the Zoning Administrator or Planning Commission as applicable during review of the site plan. Non-farm products displayed outdoors shall be at least 25 feet from all lot lines.
- 8. Signs. If the farm market constitutes the principle use of the parcel and is operated within a permanent building, signs as permitted for Commercial Zoning Districts are allowed. For all other farm markets only signs as permitted for the AG Zone are allowed.
  - I. Home occupation - see Sec. 23.07.
  - J. Landscaping shall be provided in accordance with Article 21A herein.

**Updated 5-4-2013**  
**Ord. No. 2013-2**

**Updated 2-24-2014**  
**Ord. No. 2014-3**

**Updated 3-30-2020**  
**Ord. No. 2020-2**

**ARTICLE 6  
RE, RURAL ESTATE DISTRICT  
UPDATED 3-30-2020**

**Section 6.01. DESCRIPTION AND PURPOSE.**

This zone is intended to:

Provide opportunities for very low density residential development in rural areas of the Township which are located outside the existing and planned Twenty (20) Year Service Area Boundary of the Township’s sanitary sewer Master Plan.

Accommodate general agricultural and animal husbandry uses, of a type which do not typically have adverse impacts on nearby residential uses, and to protect those uses from encroachment by incompatible uses.

Provide opportunities for creative design of residential development on sites with sensitive natural features in a manner which will protect areas having sensitive natural features by maintaining those areas as permanent common open space in the development.

Insure maximum compatibility between residential uses and nearby agricultural uses, through provision of open space buffers between agricultural uses and residential dwellings.

**Section 6.02. PERMITTED USES.**

Land or buildings in the RE District may be used for the following purposes only:

- A.** Farms for both general and specialized farm operations, including the following agricultural activities:
  - 1. Crop production, including berry farms, row crops, orchards, field crops, grain, hay, pasturelands and vineyards.
  - 2. Farm buildings designed and constructed to store implements, crops or farm animals.
  - 3. Wholesale nurseries, including tree or sod farms and greenhouses.
  - 4. Commercial animal raising, including, rabbit farms, fur bearing animal ranches, hog farms, dairy farms, cattle farms and fish farms, excluding intensive animal raising.  
*(2020-2, 3-30-2020)*
- B.** One single family residence on each lot.
- C.** Conservation areas for flora or fauna, forest preserves and wildlife refuges.
- D.** Permitted Accessory Uses:
  - 1. Uses customarily accessory to farm operations.

- 2. Permitted accessory uses and buildings, as regulated in Section 3.11.
- 3. Home occupation as an accessory use to a permitted use, as regulated in Section 23.07.

**E.** Adult foster care small group home, licensed under Act 218 of the Public Acts of 1979, as regulated in Section 23.11.

**F.** Farm Markets as regulated by 6.07.G.

**Section 6.03. USES REQUIRING SPECIAL APPROVAL.**

The following uses may be authorized by the Planning Commission, subject to compliance with the procedures and standards established for special use permits in Article 20 of this Ordinance:

- A.** Residential Open Space Development, see Sec. 23.18.
- B.** Agricultural Labor Housing.
- C.** Radio and television broadcasting buildings and towers.
- D.** Removal and processing of topsoil, sand gravel or other minerals-see Sec. 23.08.
- E.** Churches, synagogues and other buildings used for religious worship.
- F.** Schools and colleges, government buildings-see Sec. 23.05.
- G.** Golf courses, country clubs, athletic

grounds-see Sec. 23.10.

**H.** Marinas-see Sec. 23.10B.

**I.** Campgrounds.

**J.** Guest or dude ranches, riding stables.

**K.** Hunting clubs, game refuges, shooting ranges.

**L.** Parks and recreation areas.

**M.** Any use that is found by the Planning Commission to be similar to any special use listed under Section 6.03, provided that such use to be approved is not permitted by right or by special use in any Zoning District.

**N.** Kennels.  
*(2020-2, 3-30-2020)*

**Section 6.04. HEIGHT REGULATIONS.**

No building shall exceed thirty (30') feet in height. Farm buildings and TV and radio broadcasting towers shall be permitted at their usual and customary heights.

**Section 6.05. AREA REGULATIONS.**

All buildings, structures or additions thereto shall comply with the following requirements:

**A. FRONT YARD.** The uniform setback provisions of Section 3.03B shall apply to all residential buildings, structures, and additions.

If a uniform setback does not exist, the front yard setback shall be not less than forty (40') feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50') feet, and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60') feet.

**B. SIDE YARD.** For residential buildings, there shall be total side yards of not less than twenty-five (25') feet, provided that no yard shall be less than ten (10') feet.

**C. REAR YARD.** There shall be a rear yard of not less than fifty (50') feet.

**D. LOT AREA AND WIDTH.** The lot area for dwellings hereafter erected shall be not less than one (1) acre, and the width of the lot at the front set back line shall be not less than the one hundred fifty (150) feet except for lots on a cul-de-sac as permitted by Section 3.16 herein. Any lot in existence on or before December 22, 1988 may be used for one single family dwelling, provided that it meets the lot area and yard requirements of the R-1 zone district. *(2014-3, 2-24-2014)*

**Section 6.06. MINIMUM FLOOR AREA.**

Each single-family dwelling in this zone shall have a minimum finished habitable floor area, above exterior finished grade, of one thousand two hundred (1,200) square feet. Each dwelling unit shall have a minimum of twenty-four (24) feet of width for a minimum of twenty-four

(24) feet in length. Each single-family dwelling shall be constructed with an attached garage a minimum of four hundred and eighty four (484) square feet.

**Section 6.07. ADDITIONAL REGULATIONS.**

**A.** Keeping and raising animals-see Sec. 23.02.

**B.** Parking requirements-see Article 21.

**C.** Signs-see Article 22.

**D.** Standards for single-family dwellings-see Sec. 23.14.

**E.** Foster care facilities-see Sec. 23.11.

**F.** Home occupations-see Sec. 23.07.

**G.** Farm Markets - See Sec. 5.07.H.

**H.** Landscaping shall be provided in accordance with Article 21A herein.

**Updated 5-4-13  
Ord. No. 2013-2**

**Updated 2-24-2014  
Ord. No. 2014-3**

**Updated 3-30-2020  
Ord. No. 2020-2**

## ARTICLE 7 R-1 LOW DENSITY ONE-FAMILY RESIDENTIAL DISTRICT

Updated 5/4/13

### Sec. 7.01. DESCRIPTION AND PURPOSE.

This is the most restricted, low-density zone, composed chiefly of low-density one-family homes on individual lots together with required recreational, religious and educational facilities. For the purposes of uniformity of development patterns while maintaining flexibility of development types, the area regulations for the zone are divided into two sub-districts.

### Sec. 7.02 PERMITTED USES.

Land or buildings in the R-1 Zone may be used for the following purposes only:

- A. One single-family dwelling on each lot.
- B. Permitted accessory uses and buildings as regulated in Section 3.11.
- C. Home occupation, as an accessory use, as regulated in Section 23.07.
- D. Adult foster care small group home, licensed under Act 218 of the public acts of 1979, as regulated in Section 23.11.
- E. Cemeteries.
- F. [Reserved]

### Sec. 7.03 USES REQUIRING SPECIAL APPROVAL.

The following uses may be authorized by the planning commission, subject to compliance with the procedures and standards established in Article 20 of the ordinance.

- A. Elementary and secondary schools and colleges which may include on campus dormitories, libraries, museums, art galleries, auditoriums, gymnasiums, and similar uses. Minimum side and rear yards of fifty (50) feet are required where the property abuts any residentially zoned lot.
- B. Parks, playgrounds, community centers, governmental, administration, or service buildings owned and operated by a governmental agency or a nonprofit group if found to be essential to service the neighborhood or community at this location. Minimum side and rear yards of fifty (50) feet are required where the property abuts any residentially zoned lot.
- C. Churches and synagogues and other buildings used principally as places of worship, provided the building or structure is at least twenty-five (25) feet from any other residentially zoned lot. Accessory uses, including parsonages; preschool, and similar uses are also permitted. See Sec. 23.05.

- D. Convalescent or nursing homes.
- E. A facility designed to support a subsistent equestrian use which wholly consists of a circumscribed area of land within which is located all roofed enclosures pertinent to the use. Such subsistent equestrian use is permitted only as an accessory to the residential use of the property. In addition, the gross land area of the parcel shall be a minimum of five (5) acres and the maximum circumscribed area of the facility is not to exceed ten (10) percent of the gross land area. A single roofed enclosure or roofed enclosures in combination shall not exceed fifty (50) percent of the circumscribed area. In the case of this ordinance section subsistent shall mean a facility that provides for the individual needs of the property resident without marketing for commercial retail trade.

The planning commission may consider all such facilities to be transitory uses and, as a condition of a special land use, could require that all materials used in the construction of any enclosures be easy to disassemble and remove so as to not impede the likely end result residential development use of the property.

The planning commission is hereby granted the authority to place certain conditions on the subsistent equestrian facility such as but not limited to, waste handling, fence height, building height and area, facility colors, etc., some of which may be inconsistent with other regulations, found in the

Townships Zoning Ordinances that may be more or less restrictive. On that matter the conditions of the Special Land Use approval prevails.

**Sec. 7.04 HEIGHT REGULATIONS.**

No building shall exceed thirty (30) feet or two and one half (2-1/2) stories in height. Detached accessory buildings shall comply with the requirements of Section 3.10.

**Sec. 7.05 AREA REGULATIONS.**

All buildings, structures, or additions thereto shall comply with the following requirements:

- A. **FRONT YARD.** The uniform setback provisions of Section 3.03 B shall apply to all residential buildings, structures, and additions. If a uniform setback does not exist, the front yard setback shall be not less than forty (40) feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50) feet, and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60) feet. Notwithstanding the provisions of the immediately preceding sentence, (i) a lot (see definition in Section 32.13) which is a lot of record as of July 28, 1998 or (ii) any lot included in a proposed plat, building envelope or site condominium, or building site located in any other type of development which is on file with the Township as of July 28, 1998, shall only be required to have a front yard setback of forty (40) feet; and shall not be required to have a front yard setback of fifty (50) feet if on a primary street or sixty (60) feet if on a



major arterial street.

- B. **SIDE YARD.** On interior lots, total side yards of twenty-five (25) feet are required; no yard shall be less than ten (10) feet. On corner lots, a side yard of forty (40) feet is required along the street side of the lot; a side yard of ten (10) feet is required on the opposite side of the lot.
- C. **REAR YARD.** There shall be a rear yard of not less than fifty (50) feet.
- D. **LOT AREA AND WIDTH.** The minimum lot area of an interior lot shall not be less than fifteen thousand (15,000) square feet and the width of the lot at the front setback line shall not be less than one hundred (100) feet. A corner lot in the R-1 district shall have a minimum area of seventeen thousand five hundred (17,500) square feet and the width of the lot at the front setback line shall not be less than one hundred twenty (120) feet.
- E. **EXISTING LOTS.** All existing lots that are lots of record and for all developments where preliminary plan or plat approval has been granted by September 11, 2006 and meet the following conditions are acceptable buildable lots and are not considered legal non-conforming but rather are considered legal conforming for purposes of building, expansion, enlargement and rebuilding:
1. **FRONT YARD.** The uniform setback provisions of Section 3.03B shall apply to all residential buildings, structures,

and additions. If a uniform setback does not exist, the front yard setback shall be not less than thirty five (35) feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50) feet, and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60) feet. Notwithstanding the provisions of the immediately preceding sentence, (i) a lot (see definition in Section 32.13) which is of record as of July 28, 1998, or (ii) any lot included in a proposed plat, building envelope or site in a proposed site condominium, or building site located in any other type of development a which is on file with the Township as of July 28, 1998, shall only be required to have a front yard setback of thirty-five (35) feet; and shall not be required to have a front yard setback of fifty (50) feet if on a primary street or sixty (60) feet if on a major arterial street.

2. **SIDE YARD.** On interior lots, total side yards of twenty (20) feet are required; no yard shall be less than seven (7) feet. On corner lots, a side yard of thirty-five (35) feet is required along the street side of the lot; a side yard of seven (7) feet is required on the opposite side of the lot.
3. **REAR YARD.** There shall be a rear yard of not less than thirty-five (35) feet.
4. **LOT AREA AND WIDTH.** The minimum lot area of an interior lot shall not be less than ten thousand (10,000) square feet and the width of the lot at the front setback line shall not be less than eighty (80) feet. A corner lot shall have a minimum area of twelve thousand five

hundred (12,500) square feet and the width of the lot at the front setback line shall not be less than one hundred (100) feet.

**F. LOT FRONTAGE AND LOT AREA EXCEPTION.**

For all Residential Subdivisions, Site Condominium, and Condominium Developments where lesser frontage and/or less square feet of lot area is desired, such developments are permitted subject to the following regulations:

1. **LOT AREA AND WIDTH.** The minimum lot area of an interior lot shall not be less than ten thousand (10,000) square feet and the width of the lot at the front setback line shall not be less than eighty (80) feet. A corner lot shall have a minimum area of twelve thousand five hundred (12,500) square feet and the width of the lot at the front setback line shall not be less than one hundred (100) feet.
2. **FRONT YARD.** The uniform front yard setback shall be a build to line at thirty five (35) feet from the road right of way.
3. **SIDE YARD.** On interior lots, total side yards of twenty (20) feet are required; no yard shall be less than seven (7) feet. On corner lots, a side yard of thirty-five (35) feet is required along the street side of the lot; a side yard of seven (7) feet is required on the opposite side of the lot.
4. **REAR YARD.** There shall be a rear yard of not less than thirty-five (35) feet.
5. **GARAGES.** It is recommended that all garages are rear load garages off rear alley ways. For lots where rear loading is not possible, side loading is the next preferred choice. If rear loading and/or side loading is not possible and a front load garage is the only choice, such garage shall not project more than six (6) feet ahead of the home front wall and at no time shall the front wall of the garage project beyond the porch.
6. **CURB APPEAL.** All homes must create a sense of permanent value and memorable curb appeal showcasing an array of architectural styles, colors and a mix of exterior materials such as stone products, brick, shake siding, cement board siding and metal roofing.
  - ie: - use contrasting materials to define entries or to separate stories and accent areas. Use stone in combination with brick, siding and stucco. Shakes can be used to highlight an architectural feature and metal roof sections can highlight special windows. All of which should represent a commitment to meticulous attention to details.
7. **INTERCONNECTION.** The development must offer a street connectivity where cul-de-sacs are non-existent. The connected streets should reinforce the entire fabric of the neighborhood tying neighbors together to create neighborhoods where people, family and social togetherness is expressed louder than the automobile.

- 8. **SITE DESIGN.** Site design must create private gathering spaces for the family and friends in contrast to rear yards that adjoin with rear decks that share the same rear yard environment.
- 9. **SOCIAL SPACES.** Public spaces, such as small parks, village greens, viewing gazebos, and playgrounds accessible to the whole neighborhood are excellent community building elements that allow neighbors to casually interact as they go about their day. These must be included and strategically located and designed to advance the neighborhood concept and be accessible to all within the immediate neighborhood and beyond.
- 10. **PORCHES.** A front porch is required for most homes. Equally important to including a porch is the understanding that the porch express's the homes architecture. A porch, full width to the home, is preferred. Architecture is expressed in the porch columns, roof pitch, overhang cornices, building height, window types and trims, all of which must be carefully planned.
- 11. **LANDSCAPING.** Special landscaped features such as plat entrance landscaping, picket fences, street trees, pedestrian lighting, pedestrian benches, water features and similar amenities are a must.

**Sec. 7.06 MINIMUM FLOOR AREA AND EXTERIOR WIDTH.**

Each single-family dwelling in this zone shall have a minimum finished habitable floor area, above exterior finished grade, of one thousand two hundred (1,200) square feet. Each dwelling unit shall have a minimum of twenty-four (24) feet of width for a minimum of twenty-four (24) feet in length. Each single-family dwelling shall be constructed with an attached garage a minimum of four hundred and eighty four (484) square feet.

**Sec. 7.07 ADDITIONAL REGULATIONS.**

- A. Keeping and raising animals - see Sec. 23.02.
- B. Parking Requirements - see Article 21.
- C. Signs - see Article 22.
- D. Standards for Single Family Dwellings - see Sec. 23.14.
- E. Foster and Child Care Facilities - see Sec. 23.11.
- F. Accessory Buildings and Uses - see Sec. 3.11.
- G. Home Occupation - see Sec. 23.07.
- H. Landscaping shall be provided in accordance with Article 21A herein.

**ARTICLE 8**  
**R-2 MEDIUM DENSITY**  
**ONE-FAMILY RESIDENTIAL DISTRICT**  
UPDATED 3-14-2022

**Sec. 8.01 DESCRIPTION AND PURPOSE.**

A zone providing the desirable residential characteristics attributed to a medium density single-family district and allowing two-family housing.

**Sec. 8.02 PERMITTED USES.**

Land or buildings in the R-2 Zone may be used for the following purposes only:

- A. One single-family dwelling on each lot.
- B. Two family dwellings are prohibited in the R-2 Zoning Districts as of the effective date of this amended Section 8.02.B. However, two family dwellings which existed in the R-2 Zone as of this effective date shall be considered to be legal non-conforming uses and if damaged beyond one half of their replacement value may be rebuilt or restored to their original condition and location prior to such damage without receiving approval from the Zoning Board of Appeals as contained in Section 26.04 of this Ordinance.  
(Amend. 6-15-14, Ord. 2014-9)
- C. Permitted accessory uses and buildings as regulated by Section 3.11.
- D. Home occupation as an accessory use, as regulated in Section 23.07.

- E. Adult foster care, small group home, licensed under Act 218 of the public acts of 1979, as regulated in Section 23.11.

**Sec. 8.03 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be authorized by the planning commission, subject to compliance with the procedures and standards established in article 20 of the ordinance.

- A. Elementary and secondary schools and colleges which may include on campus dormitories, libraries, museums, art galleries, auditoriums, gymnasiums, and similar uses. Minimum side and rear yards of fifty (50) feet are required where the property abuts any residentially zoned lot.
- B. Parks, playgrounds, community centers, governmental, administration, or service buildings owned and operated by a governmental agency or a nonprofit group if found to be essential to service the neighborhood or community at this location. Minimum side and rear yards of fifty (50) feet are required where the property abuts any residentially zoned lot.
- C. Churches and synagogues and other buildings used principally as places of worship, provided the building or structure is at least twenty-five (25) feet

from any residentially zoned lot. Accessory uses, including parsonages, preschools, and similar uses are also permitted.

- D. Convalescent or nursing homes.
- E. Cemeteries.

**Sec. 8.04 HEIGHT REGULATIONS.**

No building shall exceed thirty (30) feet or two and one half (2-1/2) stories in height. Detached accessory buildings shall comply with the requirements of Section 3.11.

**Sec. 8.05 AREA REGULATIONS.**

All buildings structures or additions thereto shall comply with the following requirements:

- A. **FRONT YARD.** The uniform setback provisions of Section 3.03 B shall apply to all residential buildings, structures, and additions. If a uniform setback does not exist, the front yard setback shall be not less than thirty (30) feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50) feet and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60) feet. Notwithstanding the provisions of the immediately preceding sentence, (i) a lot (see definition in Section 32.13) which is of record as of July 28, 1998, or (ii) any lot included in a proposed plat, building envelope or site in a proposed site condominium, or building site located in any other type of development which is on file with the Township as of July 28, 1998, shall only be required to

have a front yard setback of thirty (30) feet; and shall not be required to have a front yard setback of fifty (50) feet if on a primary street or sixty (60) feet if on a major arterial street.

- B. **SIDE YARD.** The side yard regulations are as follows:

- 1. **SINGLE-FAMILY.** On interior single-family lots, total side yards of twenty-five (25) feet are required; no yard shall be less than ten (10) feet. On corner lots, a side yard of thirty (30) feet is required along the street side of the lot; a side yard of ten (10) feet is required on the opposite side of the lot.

- C. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet.

- D. **LOT AREA AND WIDTH.** The lot area and width regulations are as follows:

- 1. **SINGLE-FAMILY.** The minimum lot area of an interior lot used for a single-family dwelling in this zone shall be ten thousand (10,000) square feet and a minimum width of eighty (80) feet at the front setback line; provided, however, that the minimum lot area for lots not served with public sewer shall be fifteen thousand (15,000) square feet and a minimum width of one hundred (100) feet at the front setback line. The minimum lot area of a corner lot used for a single-family dwelling in this zone shall be twelve thousand (12,000) square feet and the minimum width of the lot at the front setback line shall be one hundred (100) feet.

**Sec. 8.06 MINIMUM FLOOR AREA.**

Each single-family dwelling in this zone shall have a minimum finished habitable floor area, above exterior finished grade, of one thousand two hundred (1,200) square feet. Each dwelling unit shall have a minimum of twenty-four (24) feet of width for a minimum of twenty-four (24) feet in length. Each dwelling shall be constructed with an attached garage a minimum of four hundred and eighty four (484) square feet.

- A. ONE BEDROOM UNIT.** A minimum of nine hundred (900) square feet per unit.
- B. TWO BEDROOM UNIT.** A minimum of one thousand (1000) square feet per unit.
- C. THREE BEDROOM UNIT.** A minimum of eleven hundred (1100) square feet per unit.
- D. ADDITIONAL BEDROOMS** will require an additional one hundred (100) square feet per bedroom per unit.

For a minimum of twenty-four (24) feet of the length of the structure, each dwelling unit shall have a minimum width of twenty-four (24) feet.

**Sec. 8.07 ADDITIONAL REGULATIONS.**

- A.** Keeping and raising animals - see Sec. 23.02.
- B.** Parking requirements - see Article 21.
- C.** Signs - see Article 22.
- D.** Standards for single family dwellings - see Sec. 23.14.
- E.** Foster and child care facilities - see Sec 23.11.
- F.** Accessory buildings and uses - see Sec. 3.11.
- G.** Home occupation - see Sec. 23.07.
- H.** Landscaping shall be provided in accordance with Article 21A herein.

Updated 5-4-13  
Ord.No# 2013-2

Updated 6-15-14  
Ord. No# 2014-9

Updated 3-14-22  
Ord. No# 2022-04

**ARTICLE 9****R-3 LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT**

Updated 7-1-2018

**Sec. 9.01 DESCRIPTION AND PURPOSE.**

This zone is intended to provide for low density residential type apartments and group housing.

**Sec. 9.02 PERMITTED USES.**

Land in the R-3 Zone may be used for the following purposes only:

- A. One single family dwelling on each lot.
- B. One two-family dwelling on each lot.
- C. Developments with twenty-five (25) dwelling units or more provided that public sanitary sewer and public water supply utilities are installed. See also Section 23.06
- D. Permitted accessory uses and buildings as regulated by Section 3.11.
- E. Home Occupation as an accessory use as regulated in Section 23.07.  
*(Ord. 2018-6, Eff. 7-1-2018)*

**Sec. 9.03 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be authorized by the Planning Commission, subject to compliance with the procedures and standards established in Article 20 of the Ordinance.

- A. Elementary and secondary schools and colleges which may include on-the-campus dormitories, libraries, museums, art galleries, auditoriums, gymnasiums, and similar uses. Minimum side and rear yards of fifty (50) feet are required where the property abuts any residentially zoned lot.
- B. Parks, playgrounds, community centers, governmental, administration, or service buildings owned and operated by a governmental agency or a nonprofit group if found to be essential to service the neighborhood or community at this location. Minimum side and rear yards of fifty (50) feet are required where the property abuts any residentially zoned lot.
- C. Churches and synagogues and other buildings used principally as places of worship, provided the building or structure is at least twenty-five (25) feet from any other residentially zoned lot. Accessory uses, including parsonages, preschools, and similar uses are also permitted.
- D. Convalescent or nursing homes.
- E. Cemeteries.
- F. Foster and child care facilities.
- G. Multi-family developments with less than twenty-five (25) dwelling units or multi-family developments on a parcel

less than four (4) acres in area. Public water and sanitary sewer service are required. See Section 9.07.I. (Ord. 2018-6, Eff. 7-1-18)

**Sec. 9.04 HEIGHT REGULATIONS.**

Building height, as defined herein, shall not exceed 35 feet.

**Sec. 9.05 AREA REGULATIONS.**

All buildings, structures or additions thereto shall comply with the following requirements:

**A. FRONT YARD.** The uniform setback provisions of Section 3.03 B shall apply to all residential buildings, structures and additions. If a uniform setback does not exist, the front yard setback shall be not less than forty (40) feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50) feet, and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60) feet. Notwithstanding the provisions of the immediately preceding sentence, (i) a lot (se definition in Section 32.13) which is of record as of July 28, 1998 or (ii) any lot included in a proposed plat, building envelope or development which is on file with the Township as of July 28, 1998, shall only be required to have a front yard setback of forty (40) feet; and shall not be required to have a front yard setback of fifty (50) feet if on a primary street or sixty (60) feet if on a major arterial street. For single family dwelling units the minimum front yard shall be twenty-five (25) feet subject to

the provisions noted above in the subsection 9.05.A. (Ord. 2018-6, Eff. 7-1-18)

**B. SIDE YARD.** The side yard regulations are as follows:

1. **TWO-FAMILY.** On interior two-family lots, total side yards of twenty (20) feet are required; no yard shall be less than seven (7) feet. On corner lots, a side yard of forty (40) feet is required along the street side of the lot; a side yard of seven (7) feet is required on the opposite side of the lot.

2. **OTHER USES.** On interior lots used for any use other than a two- family home a minimum side yard of twenty (20) feet is required. On corner lots, a side yard of forty (40) feet is required along the street side of the lot; a side yard of twenty (20) feet is required on the opposite side of the lot.

3. **SINGLE FAMILY DWELLINGS.** The minimum side yard shall be a total of sixteen (16) feet with a minimum of six (6) feet on one (1) side. (Ord. 2018-6, Eff. 7-1-18)

**C. REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet.

**D. LOT AREA AND WIDTH.** The lot area and width regulations are as follows:

1. **TWO-FAMILY.** The minimum lot area for a two-family dwelling in this zone shall be twelve thousand (12,000) square feet and a minimum width of one



hundred (100) feet at the front setback line; provided, however, that the minimum lot area for lots not served with public sewer shall be thirty thousand (30,000) square feet, and a minimum width of two hundred (200) feet at the front setback line.

2. **OTHER USES.** The minimum lot width shall be one hundred (100) feet measured at the front setback line. The minimum lot area for each dwelling unit shall be six thousand, five hundred (6,500) square feet. The minimum lot area for all other permitted uses shall be fifteen thousand (15,000) square feet.

3. **SINGLE FAMILY DWELLINGS.** The minimum lot area shall be 6,500 square feet with a minimum lot width of 65 feet.  
*(Ord. 2018-6, Eff. 7-1-18)*

#### **Sec. 9.06 MINIMUM FLOOR AREA.**

Each dwelling unit in this zone shall have a minimum floor area as required below.

**A. EFFICIENCY.** A minimum of five hundred (500) feet per unit.

**B. ONE BEDROOM UNIT.** A minimum of six hundred (600) square feet per unit.

**C. TWO BEDROOM UNIT.** A minimum of eight hundred (800) square feet per unit.

**D. THREE BEDROOM UNIT.** A minimum of one thousand (1000) square feet per unit.

**E. ADDITIONAL BEDROOMS** will require an additional one hundred (100) square feet per bedroom per unit.

For a minimum of twenty four (24) feet of the length of the structure, each dwelling unit shall have a minimum width of twenty four (24) feet.

**F.** Each single-family dwelling in this zone shall have a minimum finished habitable floor area, above exterior finished grade, of nine hundred (900) square feet. Each dwelling unit shall have a minimum of twenty-four (24) feet of width for a minimum of twenty-four (24) feet of width for a minimum of twenty-four (24) feet in length. Each dwelling shall be constructed with an attached garage a minimum of four hundred and eighty-four (484) square feet.  
*(Ord. 2018-6, Eff. 7-1-18)*

#### **Sec. 9.07 ADDITIONAL REGULATIONS.**

**A.** Keeping and raising animals - see Sec. 23.02.

**B.** Parking requirements - see Article 21.

**C.** Signs - see Article 22.

**D.** Standards for single family and two-family structures - see Sec. 23.14.

**E.** Standards for major residential development - see Sec. 23.06.

**F.** Foster and care facilities - see Sec 23.11.

**G.** Landscaping shall be provided in accordance with Article 21A herein.

- H. Density.** In the R-3 Zone density shall be regulated by bedrooms per acre. The maximum density is twenty (20) bedrooms per net site acreage as defined herein.
- I.** For multi-family developments with less than twenty-five (25) dwelling units or multi-family developments on a parcel less than four (4) acres in size the following regulations shall apply:
1. A building shall contain no more than four (4) dwelling units. However, the Planning Commission may approve a building with up to eight (8) dwelling units. In making a determination to allow more than four (4) dwelling units per building the Commission shall consider the following criteria:
    - a. Whether the proposed height of the building is compatible with the height of nearby dwellings on adjacent property.
    - b. Whether the proposed location of the building and/or existing or proposed landscaping would lessen the visual impact of the building on residents of nearby dwellings on adjacent property.
    - c. Whether the proposed architectural style of the building, including exterior materials, is compatible with existing dwellings on adjacent properties.
    - d. Whether the number, size and location of the proposed buildings would be a visual compatible fit with the surrounding neighborhood.
  2. Orientation of buildings. Multi-family buildings shall be oriented or constructed so that open balconies and patios do not directly face an abutting r-1 zoning district or an abutting property recommended for Low Density Residential use in the Allendale Charter Township Master Plan in order to limit the noise impact on nearby single-family residents.
  3. Landscaping.
    - a. Whenever multi-family buildings abut a parcel in an R1, R2, R3, MHP or PUD Zone containing single family dwellings or adjacent property recommended for single family land use in the Township Master Plan a greenbelt shall be provided in accordance with the requirements of Section 21A.04.D and H.
    - b. Front yard landscaping shall comply with the requirements of Sections 21A.04.F and G except for the reference to Section 23.06 contained in Section 21.A.02.G.
  4. An off-street parking lot serving a non-residential use which abuts an R-1, R-2 Zone or an R-3 Zone containing single family dwellings or adjacent land recommended for residential land use in the Township Master Plan shall be setback a minimum of thirty (30) feet from the lot line separating the districts or uses. A greenbelt shall be provided within the fifteen (15) feet nearest

the property line in accordance with the greenbelt requirements of Section 21.A.04.D.

5. The Planning Commission shall have the authority to require greater building setbacks than the minimum required by this Section if such greater setbacks will reduce the impact of multifamily buildings on adjacent single family uses.

*Updated 7-1-2018  
Ord. No. 2018-6*

**Updated 5-4-13  
Ord. No. #2013-2**

**Updated 8-24-13  
Ord. No. #2013-16**

**Updated 7-1-18  
Ord. No. #2018-6**

**ARTICLE 10**  
**R-4 MEDIUM DENSITY MULTIPLE**  
**FAMILY RESIDENTIAL/OFFICE DISTRICT**

UPDATED 8-24-13

**Sec. 10.01 DESCRIPTION AND PURPOSE.**

This zone is intended to serve as a buffer or transitional zone between the various low-density residential and non-residential zones.

It is intended to accommodate medium density multi-family residential uses and those non-residential uses of an administrative or professional nature, which are necessary to the normal conduct of a community's activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature.

**Sec. 10.02 PERMITTED USES.**

Land in the R-4 zone may be used by right for the following purposes only:

- A. Any use permitted without special approval in the R-3 Low Density Multiple-Family Residential District, except single family dwellings.
- B. Nursing homes, rest or convalescent homes.
- C. Adult foster care homes, including those with more than six (6) residents.
- D. State college or university campus.

**Sec. 10.03 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be authorized by the Planning Commission, subject to compliance with the procedures and standards established for special use permits in Article 20 of this Ordinance.

- A. Any use permitted by special use permit in the R-3 zoning district.
- B. Offices for generally recognized professions such as doctors, dentists, optometrists, psychologists, attorneys, architects, engineers, surveyors, and urban planners.
- C. Medical clinics, mental health clinics.
- D. Offices, galleries, or studios of artists and those employed in the graphic arts.
- E. Offices for one or more of the following fields: executive, administrative, clerical, stenographic, accounting, insurance, real estate, stockbrokers, banks, and similar enterprises.
- F. Research laboratories provided that no heavy mechanical equipment is used in the normal operation of the laboratories, and provided that the character of its research would not make it objectionable because of sights, sounds, odors, and traffic congestion produced.

G. Hospitals.

H. Group housing, if within the group housing overlay zone as defined in Section 3.15, including: dormitory, fraternity or sorority house, boarding or rooming house, student cooperative, and emergency shelter.

I. Funeral Homes.

development which is on file with the Township as of July 28, 1998, shall only be required to have a front yard setback of forty (40) feet; and shall not be required to have a front yard setback of fifty (50) feet if on a primary street or sixty (60) feet if on a major arterial street.

**Sec. 10.04 HEIGHT REGULATIONS.**

Building height, as defined herein, shall not exceed thirty-five (35) feet.

**Sec. 10.05 AREA REGULATIONS.**

All buildings, structures, or additions thereto shall comply with the following requirements:

A. **FRONT YARD.** The uniform setback provisions of Section 3.03 B shall apply to all residential buildings, structures, and additions. If a uniform setback does not exist, the front yard setback shall be not less than forty (40) feet, except that when adjacent to a primary street, the front yard setback shall be not less than fifty (50) feet, and when adjacent to a major arterial street, the front yard setback shall be not less than sixty (60) feet. Notwithstanding the provisions of the immediately preceding sentence, (i) a lot (see definition in Section 32.13) which is of record as of July 28, 1998, or (ii) any lot included in a proposed plat, building envelope or site in a proposed site condominium, or building site located in any other type of

B. **SIDE YARD.** The side yard regulations are as follows:

1. **TWO-FAMILY.** On interior two-family lots, total side yards of twenty (20) feet are required; no yard shall be less than seven (7) feet. On corner lots, a side yard of forty (40) feet is required along the street side of the lot; a side yard of seven (7) feet is required on the opposite side of the lot.

2. **OTHER USES.** On interior lots used for any use other than single or two-family homes a minimum side yard of twenty feet is required. On corner lots, a side yard of forty (40) feet is required along the street side of the lot; a side yard of twenty (20) feet is required on the opposite side of the lot.

C. **REAR YARD.** There shall be a rear yard of not less than thirty-five (35) feet.

D. **LOT AREA AND WIDTH.** The lot area and width regulations are as follows:

1. **TWO-FAMILY.** The minimum lot area for a two-family dwelling in this zone shall be twelve thousand (12,000) square feet and a minimum width of one hundred (100) feet at the front setback

line, provided, however that the minimum lot area for lots not served with public sewer shall be thirty thousand (30,000) square feet, and a minimum width of two hundred (200) feet at the front setback line.

2. **MULTIPLE-FAMILY.** The minimum lot area for multiple family dwellings shall be three thousand six hundred and thirty (3,630) square feet per dwelling unit with a minimum lot area of fifteen thousand (15,000) square feet and a minimum width of one hundred (100) feet at the front setback line.
3. **OFFICES AND ALL OTHER USES.** The minimum lot area and width for all other uses shall be fifteen thousand (15,000) square feet with a minimum lot width of one hundred (100) feet at the front setback line.

#### **Sec. 10.06 MINIMUM FLOOR AREA.**

Each dwelling unit in this zone shall have a minimum floor area as required below.

- A. **EFFICIENCY.** A minimum of five hundred (500) square feet per unit.
- B. **ONE BEDROOM UNIT.** A minimum of six hundred (600) square feet per unit.
- C. **TWO BEDROOM UNIT.** A minimum of eight hundred (800) square feet per unit.
- D. **THREE BEDROOM UNIT.** A minimum of one thousand (1000) square feet per unit.

- E. **ADDITIONAL BEDROOMS** will require an additional one hundred (100) square feet per bedroom per unit. For a minimum of twenty four (24) feet of the length of the structure, each dwelling unit shall have a minimum width of twenty four (24) feet.

#### **Sec. 10.07 ADDITIONAL REGULATIONS.**

- A. Land and/or buildings in the R-4 zone may be used for purposes listed above provided that public water and public sanitary sewer utilities are installed and provided that all uses are conducted wholly in a permanent, fully enclosed building.
- B. Keeping and raising animals - see Sec. 23.02.
- C. Parking Requirements - see Article 21.
- D. Signs - see Article 22.
- E. Standards for single-family or two family dwellings - see Sec. 23.14.
- F. Foster and child care facilities - see Sec 23.11.
- G. Standards for major residential development - see Sec. 23.06.
- H. Landscaping shall be provided in accordance with Article 21A herein.
- I. In the R-4 Zone density shall be regulated by bedrooms per acre. The maximum density is thirty-six (36)

bedrooms per net site acreage as defined herein.

Updated 5-4-13    Updated 8-24-13  
Ord. No.#2013-2    Ord. No.#2013-16

**ARTICLE 11**  
**R-5 MOBILE HOME PARK DISTRICT**

**Sec. 11.01. PERMITTED USES AND CONDITIONS.**

Land or buildings in the R-5 Mobile Home Park District may be used only for mobile home parks, mobile home subdivisions, and similar developments subject to the following development standards:

- A. MINIMUM SITE.** The minimum site for a mobile home development shall be ten (10) acres with a minimum of fifty (50) lots. However, an owner of a proposed site which has less than the minimum required area may apply if the subject land is adjacent to a lawfully approved or constructed mobile home park.
- B. DISTANCE BETWEEN HOME AND STREET.** There shall be a minimum distance of ten (10) feet between the mobile home and the abutting park street.
- C. CONCRETE PAD.** A concrete pad beneath each mobile home park shall be provided and shall be a minimum of four inch thick concrete beneath the entire mobile home unit.
- D. WIDTH OF LOT.** No mobile home lot shall be less than forty (40) feet in width or contain less than four thousand (4,000) square feet. There shall be unobstructed open spaces of at least ten (10) feet between the sides or ends of

adjacent mobile homes for the full length of the mobile homes.

- E. PARKING; OFF STREET.** Off-street parking shall be provided at the rate of two hard surfaced automobile parking spaces for each mobile home site. Paved space between mobile homes may be used for the parking of motor vehicles if the motor vehicle is parked at least ten (10) feet from the nearest adjacent mobile home.
- F. REQUIRED STORAGE.** Two hundred (200) square feet for each mobile home site, with a minimum area of one (1) acre, shall be set aside as a storage area for the temporary storage of boats, travel trailers, and the like. There shall be a ten (10) foot greenbelt between the storage area and the adjacent mobile home sites.
- G. ACCESSORY USES.** Buildings housing laundry facilities, offices, rest room or shower facilities, a pool or the sale of retail goods for the exclusive use of the residents of the park may be permitted as an accessory use.
- H. SALES.** The business of selling new or used mobile homes as a commercial operation is prohibited. New or used mobile homes located on lots within the mobile home development to be used or occupied within the mobile home park may be sold by a licensed dealer or



broker. This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development.

**I. COMPLIANCE WITH STATE LAW.**

Any person owning, operating or maintaining a mobile home park in Allendale Charter Township shall comply with all provisions of Public Act 243 of 1959, as amended, in addition to the provisions of this ordinance.

**J. SKIRTING.** All mobile homes shall be

skirted within sixty (60) days, weather permitting, following their placement within the mobile home park with standard skirting material or material of equal quality for both aesthetic purposes and to lessen heat loss and shall meet all requirements of the Michigan Mobile Home Commission.

**K. STANDARDS FOR MAJOR RESIDENTIAL DEVELOPMENT.**

In addition to the above, the standards of

Section 23.06 shall apply.

## ARTICLE 12 PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Updated 9-5-22

### Sec. 12.01. INTENT

A Planned Unit Development (PUD) zone is intended to allow substantial flexibility in planning and designing a project. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and intimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

Through proper planning and design, each Planned Unit Development should include features which further, and comply with, the following objectives.

- A.** To allow on the same site uses, structures, facilities, housing types and open space in a manner compatible with each other and with existing and planned uses on nearby properties.
- B.** To allow for development to achieve better utilization of property than is possible through strict application of standard zoning and subdivision controls.
- C.** To encourage property development and re-development that, to the greatest extent possible, preserves natural

vegetation, respects natural topographic conditions, and does not adversely affect wetlands, flood plains, the natural drainage pattern, and other natural site features.

- D.** To promote the efficient use of property resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
- E.** To promote creativity in design and construction techniques.
- F.** To provide for the regulation of legal property uses not otherwise authorized within this ordinance.
- G.** To provide for single or mixed use developments that advance and are consistent with the goals and objectives of the Allendale Charter Township Master Plan.
- H.** To promote the principles of neo-traditional design which include smaller lots, shorter building setbacks, alleys, street trees, street lights, sidewalks, and civic open space and parks to create a sense of community and opportunities for interaction among neighbors.

### Sec. 12.02. PUD AUTHORIZATION

A Planned Unit Development zoning district may be approved by the Township Board

after receiving a recommendation from the Planning Commission in any location within Allendale Township in accordance with the procedures, regulations and standards of this chapter. Approving a PUD rezoning application shall require an amendment of the Zoning Ordinance and Zoning Map.

**Sec. 12.03. QUALIFYING CONDITIONS.**

A. Minimum Size. The property proposed for rezoning to PUD shall consist of a minimum of three contiguous acres although the Township Board after receiving a recommendation from the Planning Commission may approve a PUD with less than three acres is not a means to circumvent the Zoning Ordinance development standards and procedures which would normally apply to the proposed use and that the PUD will satisfy one or more of the following standards:

1. The PUD proposes amenities which are not typically provided by uses allowed on parcels of less than three acres in the zoning district recommended by the Master Plan or by similar existing uses in the Township;
2. The PUD will result in a living environment which is more or equally desirable than if the PUD were to be built on a site of three acres or more.
3. The PUD could not be built without some modification of the standards of the underlying zoning district recommended by the Master Plan as they apply to the proposed parcel

and the proposed use and design of the development are not typical of the uses which would otherwise be allowed in the zoning district recommended by the Master Plan.  
*(Ord. 2014-2, Eff.1-25-14)*

B. Common Ownership. The property proposed for rezoning shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and outgoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control for the entire PUD or individual properties within the PUD provided that all requirements approved by the Township Board continue to be met and there is still unified control for the development and operation of the PUD as required by the Ordinance.

**Sec. 12.04. PERMITTED USES**

The use or uses of land permitted within a PUD shall be in accordance with the uses allowed for that zoning district recommended by the current Master Plan of Allendale Charter Township for the parcel or parcels requested for PUD rezoning.

However, the Township Board (the Board) after receiving a recommendation from the Planning Commission may permit other land uses not otherwise permitted in that zoning district recommended by the Master Plan if, in the opinion of the Board, the other uses; complement and are compatible with the permitted uses; are not the primary use of the property; are compatible with nearby existing and permitted land uses; and meet

the intent of the PUD chapter and the intent of the Master Plan.

The Board shall base this determination on how well the other proposed property uses satisfy the objectives of this article; how well the operational characteristics, building design and effects of the other proposed uses are compatible with the permitted uses of the underlying zone and the existing and proposed property uses nearby; and how well the other proposed property uses meet the intent of the Master Plan.

*(Ord. 2014-2, Eff.1-25-14)*

**Sec. 12.05 DEVELOPMENT REQUIREMENTS FOR ALL PUD’S**

**A. Modification of Zone Requirements**

The lot area, lot width, building height, setback and yard requirements, general provisions, signs, landscaping and screening requirements, lighting and parking regulations contained in this Ordinance for the zoning district recommended by the Master Plan shall be met except that the Township Board after receiving a recommendation from the Planning Commission may modify these regulations, in order to achieve the objectives of this Article. In making its recommendation and its decision respectively, the Planning Commission and Township Board shall each consider the following standards:

1. Whether the modification requested will result in a development which better satisfies the intent and objectives of this chapter.

2. The modification will be compatible with adjacent existing and future property uses and will not significantly adversely affect the use and enjoyment of nearby property.
3. The modification will result in the preservation of existing vegetation or other natural features on site.
4. The modification is necessary due to topography, natural features or other unusual aspects of the site.
5. The modification will improve or not impede emergency vehicle and personnel access on the site.
6. The modification will improve or not impede safe pedestrian circulation on the site.
7. The modification will result in safe traffic movement on the site and at ingress and egress points to the site, will not result in visual blight, distraction, or clutter, and will otherwise promote the public health, safety and general welfare.  
*(Ord. 2014-2, Eff.1-25-14)*

**B. Private Roads**

Private roads within a PUD shall conform to the private road requirements of this Ordinance. The Planning Commission and Township Board however, may modify the requirements for private roads in accordance with the intent of this Article and if the Planning Commission

and Board determine that the standards in Section 12.05.A. above are met.

**C. Utilities**

Public water and sewer service shall be provided to all PUDs according to the requirements of Section 5.3.1.g of the Allendale Charter Township Subdivision Ordinance, as amended. Stormwater management shall comply with the requirements of Allendale Charter Township and other applicable County or State requirements.  
*(Ord. 2020-4, Eff. 10-26-20)*

**Sec. 12.06 DEVELOPMENT REQUIREMENTS FOR PUD’S WITH RESIDENTIAL USES.**

For Planned Unit Developments which will devote all or a portion of the site to residential use the following requirements shall apply in addition to the requirements of Section 12.05.

**A. Determination of Number of Dwellings**

The maximum average density for a PUD shall generally be the density as set forth in the following density table at the time the application for the PUD approval is submitted to the Township. The allowed number of dwellings for the proposed PUD shall be based on the density recommendations for dwellings or bedrooms as set forth in the following density table. The Planning Commission shall have the discretion to recommend to the Township Board the density and number of dwellings or the number of bedrooms that should be permitted in the PUD based upon the Master Plan

category recommended for that area. The Planning Commission shall base its recommendation on the following standards:

1. The impact that the number of occupants allowed by either of the density options will have on nearby existing land uses, roads, public utilities and services.
2. A determination regarding which of the density options and the number of dwellings or bedrooms allowed by that option is most compatible with the future land use recommendations for the nearby area as set forth in the Master Plan.

The Township Board, after receiving a recommendation from the Planning Commission, may choose to allow fewer dwellings or bedrooms than recommended by the Planning Commission if, in the opinion of the Township Board, a reduction in the number of dwellings or bedrooms recommended would better achieve the intent and standards of this Article. In making this determination the Township Board shall also consider the standards (1) and (2) utilized by the Planning Commission contained in this subsection.

The type and placement of the dwellings proposed, however, shall be subject to the approval of the Township Board after receiving a recommendation from the Planning Commission.

**Residential Density Table**

<b><u>Master Plan Classification</u></b>	<b><u>Maximum Average Density</u></b>
Agricultural and Residential Estate	1 dwelling unit per acre
Low Density Residential (LDR)	2.9 dwelling units/acre
Moderate Density Residential (MOD)	<p><b><u>For single family detached dwellings</u></b></p> <ul style="list-style-type: none"> <li>▪ 4.35 dwelling units per acre with public sanitary sewer</li> <li>▪ 2.9 dwelling units per acre w/o sanitary sewer</li> </ul>
Medium Density Residential (MDR)	<p><b><u>For two family dwellings</u></b></p> <ul style="list-style-type: none"> <li>▪ 6.70 dwelling units per acre with public sanitary sewer</li> <li>▪ 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit</li> </ul> <p>Public sanitary sewer &amp; water required</p> <p><b><u>For Multiple Family Dwellings</u></b></p> <ul style="list-style-type: none"> <li>▪ 20 bedrooms/acre</li> </ul> <p>Public sanitary sewer &amp; water required.</p>
High Density Residential (HDR)	<p><b><u>For two family dwellings</u></b></p> <ul style="list-style-type: none"> <li>▪ 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit</li> <li>▪ Public sanitary sewer &amp; water required</li> </ul> <p><b><u>For multiple family dwellings</u></b></p> <ul style="list-style-type: none"> <li>▪ 36 bedrooms per acre</li> </ul> <p>Public water &amp; sewer required</p>

(Ord. 2022-07, Eff. 9-5-22)

**B. Formula to Determine Number of Dwellings.**

Subject to the additional dwellings or bedrooms authorized by Section 12.06.D. below, the number of dwelling units permitted within a PUD shall be determined as follows:

1. Determine gross site area which is the entire area of all property within the legal description of the PUD. The gross site area shall include the road right of way if it is included in the legal description, but shall exclude the road right of way if it is not included in the legal description.
2. Subtract all existing public and private road rights of way included in the legal description.
3. Subtract one-half of the area of all wetlands, floodplains, lakes, creeks, ponds and any other similar bodies of water and slopes with a grade of over 20% percent.
4. Subtract any property devoted to any existing non-residential use(s) to be included in the PUD. Such property to be subtracted shall include the sum of the area occupied by the building, the off street parking area, driveways serving the use, required building setbacks and

other property area or accessory uses associated with the existing use. The minimum area to be subtracted shall be the minimum lot size required for the zoning district in which the existing use is located.

5. Do not subtract the area of any existing utility easements and proposed non-residential uses such as commercial, institutional, recreational or similar uses.
6. The resulting acreage is the Net Development Acreage (also

referred to as Net Site Area) which is then multiplied by the Maximum Average Density from the Density Tables to determine the number of dwelling units or bedrooms permitted. (for example, the Net Development Acreage for an LDR area would be multiplied by 2.9 dwelling units per acre to determine the maximum average density while for an HDR area the net development acreage would be multiplied by 36 bedrooms per acre.

<b><u>Sample Computation to Determine # of Bedrooms</u></b>	
<b><u>Gross Site Acreage:</u></b>	<b><u>50 acres (site has public water &amp; sewer)</u></b>
<b><u>Existing road right of way:</u></b>	<b><u>-3 acres</u></b>
<b><u>Wetlands &amp; pond: (10 acres x 50%)</u></b>	<b><u>-5 acres</u></b>
<b><u>Net Development Acreage:</u></b>	<b><u>42 acres</u></b>
<b><u>Maximum Ave. Density</u></b>	<b><u>x 36 bedrooms/acre (HDR density)</u></b>
<b><u>(From density table)</u></b>	
<b><u>Total Dwellings/Bedrooms Allowed</u></b>	<b><u>1512 bedrooms</u></b>

7. If the property requested for PUD rezoning has more than one Master Plan land use classification the number of dwelling units or bedrooms allowed for each zone corresponding to the Master Plan classification shall be computed separately using the above formula to determine the total number of dwellings or bedrooms allowed for the entire proposed PUD site. The placement of the dwellings shall be subject to the approval of the Township Board following a recommendation from the Planning Commission during review of the PUD site plan.

*(Ord. 2022-07, Eff. 9-5-22)*

**C. Wetland Determination**

The determination of the existence and the extent of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Natural Resources or by an analysis performed by a professional biologist, ecologist, environmental engineer professional person deemed acceptable to the Planning Commission.

**D. Additional Dwellings**

Additional dwellings and bedrooms

above what is allowed by Section 12.06.B. above may be permitted at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the PUD.  
*(Ord. 2013-19, eff.11-9-13)*

Examples of amenities which could be added to a PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

1. Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, man-made lake, and community building or similar recreation facilities.
2. Additional landscaping to preserve or enhance the view along the roadway.
3. Enhancement of existing wetlands, subject to applicable regulations.
4. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Allendale Township residents.
5. Provision of additional open space off the PUD site but within the Township which would be of benefit to Allendale Township by adding

property for recreational opportunities, adding property to existing Township owned property or allowing for the preservation of property along the Grand River or other natural area.

If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the Maximum Average Density permitted in the Density Table by the Gross Site acreage of the site instead of the Net Development Acreage. In no case shall the number of dwelling units exceed what is permitted by this subsection.  
*(Ord. 2014-2, Eff.1-25-14)*

**E. Minimum Required Open Space Requirements for Residential PUD's with Single and Two Family Dwellings.**

For a Planned Unit Development which will devote all or a portion of the site to single family detached dwellings and/or two family dwellings Dedicated Open Space shall be provided according to the following requirements. Dedicated Open Space which is not contiguous to the proposed PUD property shall not be considered as Dedicated Open Space except as may be permitted by Section 12.06.D.

1. A mixed use PUD (one that include both residential and non-residential uses) shall provide and maintain a minimum of 20 percent of that portion of the PUD site acreage



devoted to residential use (including any property occupied by commercial and office buildings with residential uses) as preserved Dedicated Open Space in accordance with the standards of this Article.

The Township Board, after receiving a recommendation from the Planning Commission, may approve a lesser amount of Dedicated Open Space if it is clear that the proposed PUD substantially meets the intent of the Dedicated Open Space requirement as set forth in Section 12.06.E.4.

- 2. Uses listed in Section 23.06 being multi-family, townhouses and mobile home developments designed for 25 or more dwellings, shall comply with the open space and other requirements set forth in Section 23.06

For purposes of this Section Dedicated Open Space shall mean that portion of a PUD which is permanently preserved in an undeveloped state through an open space preservation agreement as required herein.

3. Areas Not Counted as Open Space.

- a. The area within all public or private road rights-of-ways.
- b. Golf course.
- c. The area within a platted lot, site condominium unit, or metes and bounds parcel occupied or to be occupied by a dwelling unit, a

non-residential building or any similar principal building.

- d. Off street parking area.
- e. Detention and retention ponds created to serve the development unless such ponds are proposed as an amenity in which case 50% of the area of the pond may count toward open space.
- f. 50% of the area of wetlands, creeks, streams, existing and proposed ponds (detention and retention as noted above in (e) or lakes or other bodies of water.
- g. 50% of the area of floodplains and 50% percent of areas of slopes with a grade of more than 20%.

4. Standards for Open Space

The following standards shall apply to the Dedicated Open Space required by this Section:

- a. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, and wetlands.
- b. The open space may include a recreational trail, picnic area, children’s play area, community building, a building used to house equipment for maintaining the Dedicated Open Space or other use which, as determined by the Planning Commission, is substantially similar to these

uses. These uses, however, shall not utilize more than 50% of the Dedicated Open Space.

- c. Dedicated Open Space areas encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
  - d. The Dedicated Open Space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonable accessible to the residents of the open space development. Safe and convenient pedestrian access points to the Dedicated Open Space from the interior of the site shall be provided.
  - e. If the property contains a lake, stream or other body of water, the Planning Commission may require that a portion of the Dedicated Open Space abut the body of water.
  - f. Grading in Dedicated Open Space areas shall be kept to a minimum.
5. Methods to Preserve Dedicated Open Space.

The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all Dedicated Open Space portions of the development shall be maintained in the manner approved. Documents shall be presented that

bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the property uses continue as approved in the PUD plan, unless an amendment is approved by the Township Board.

The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the property or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The legal instrument shall:

- a. Indicate the proposed permitted use(s) of the Dedicated Open Space.
- b. Identify the parties who have an ownership interest in the Dedicated Open Space. The owners of property which is within the PUD by virtue of an association or other similar entity shall all times maintain an ownership interest in the Dedicated Open Space.
- c. Require that the open space be maintained and controlled by parties who have an ownership interest in the Dedicated Open Space.

- d. Provide standards for scheduled maintenance of the open space, including periodic removal of underbrush to reduce fire hazard and the necessary pruning and harvesting of trees and new plantings.

**F. Dedicated Open Space Requirements for Non-Residential Uses**

A PUD which proposes non-residential uses (such as commercial) shall provide Dedicated Open Space, as defined in Section 12.06.E, for the commercial portion in the form of civic space such as a central green for sitting, viewing or small outdoor events, or provide objects or areas of interest such as a fountain or plaza, or provide rain gardens or other bio-retention areas for the purpose of storm water detention which shall also function as a visual amenity.

Open space areas shall be designed and arranged to contribute to the attractiveness and function of the proposed development and shall, insofar as reasonably possible, be interspersed throughout the site.

At least on Dedicated Open Space area shall be a central green, plaza or square which is to function as a focal point for the non-residential portions of a PUD and shall serve as an area where social, civic or passive activities can take place. This area shall contain at least 3000 sq. ft. or be of sufficient size and design to serve as a visual and functional civic amenity for sitting, viewing, dining, or other similar outdoor activity and which, in the

opinion of the Planning Commission, satisfies the intent of this sub-section.

**G. Private Road Connections to Adjacent Property**

A private road may be required to be extended to the adjacent property line by the Township Board after receiving a recommendation from the Planning Commission. Such recommendation shall be based on both of the following criteria:

1. The road extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between adjoining properties. In making this determination the Planning Commission shall consider the likelihood of the adjacent property being developed, whether the natural site features on the adjacent property preclude or make it very difficult to extend the private road and if the adjacent property is already developed so as to prevent the extension of the private road.
2. The road extension would not result in future traffic from off-site creating unsafe situations for the residents or owners of the proposed development.

If such a connection is required the applicant shall, at the applicant's sole cost and expense,

- a. construct the road to the adjacent property line at the time that the private road is built OR

- b. illustrate the location of the future road on the approved PUD site plan and record an agreement to construct the road connection as shown on the plan when the adjacent property develops and the Planning Commission determines the necessity of the road connection.

At the applicant’s sole cost and expense, the applicant shall also grant and record an access easement to allow adjoining properties to utilize the future road for uninterrupted movement of vehicles and pedestrians.

**Sec. 12.07 PROCEDURES**

**A. STEP 1 Pre-Application Conference**

Before submitting a formal application for a PUD rezoning the applicant shall meet with the Zoning Administrator who may request the attendance of the Township Planner or Township Engineer at this meeting. The applicant may provide a conceptual drawing or other information about the development or property.

The purpose of this meeting is to explain the PUD site plan design and review process to the applicant along with Township site development requirements in order to assist the applicant in preparing a site plan for review by the Planning Commission.

No formal action will be taken at a pre-application conference nor will any statements made at the pre-application conference be considered legally binding commitments.

**B. STEP 2 Submit PUD Application**

1. Following the pre-application conference, applicants seeking approval of a PUD rezoning shall submit a complete application for review to the Township offices. Such application shall include the following:

- a. A completed application form.
- b. Payment of a fee, including an escrow amount as established by the Township Board.
- c. A narrative statement describing:
  - (1) The objectives of the PUD and how it relates to the intent of the PUD district, as described in Section 12.01.
  - (2) The relationship of the PUD to the Allendale Township Master Plan.
  - (3) Phases of development and approximate time frame for each phase.
  - (4) Proposed/preliminary deed restrictions, covenant, or similar legal instruments to be used within the PUD.

- (5) Anticipated start and completion of construction. site plan in accordance with the requirements of Section 29.01 herein.
- (6) Location, type, and size of areas to be dedicated for common open space.
- (7) All modifications from the zoning regulations which would otherwise be applicable to the uses and structures proposed in the absence of this PUD Article and rezoning.

2. The applicant has the option of submitting either a Preliminary or Final PUD site plan with the PUD application.
  - a. A preliminary PUD plan shall contain the information required by Section 24.05 and shall follow Steps 3, 4 & 5.
  - b. A Final PUD site plan shall contain the information required by Section 24.06 and shall follow Steps 4 & 5.
  - c. The Planning Commission may require an environmental impact assessment to be submitted as part of the Preliminary or Final PUD site plan review.

2. The Planning Commission shall review the Preliminary PUD site plan at the public hearing if one is held or at a regular meeting and make a recommendation to the applicant to assist in preparing a Final PUD site plan. The Final PUD site plan shall then be processed according to STEP 4 below.

**D. STEP 4 Final PUD Site Plan Review**

1. The applicant for PUD rezoning shall submit a Final Development Plan to the Township offices in accordance with the requirements for Final Site Plan Review as contained in Section 24.06 of this Ordinance. Copies of the Final PUD Site Plan shall be forwarded to the Planning Commission.
2. The Township Planning Commission shall schedule a public hearing for it to consider a Zoning Map Amendment Ordinance to establish the PUD Zoning District for the PUD rezoning request, and the Final PUD Site Plan in accordance with the public hearing requirements of Section 29.01 herein.
3. The Final PUD site plan shall contain all of the information required for Preliminary PUD Site Plan review plus any other information required by the Planning Commission to ensure proper review of the PUD rezoning request.

**C. Step 3 Preliminary PUD Site Plan Review**

1. The Township Planning Commission may schedule a public hearing on the PUD rezoning request and the Preliminary PUD

4. Preparation of PUD Site Plan Resolution. Prior to or following the public hearing on the Final PUD site plan and the Zoning Map Amendment Ordinance for the PUD rezoning request, a draft PUD site plan resolution shall be prepared for consideration by the Planning Commission. This resolution shall set forth the permitted uses, development standards and conditions for the proposed PUD. The Planning Commission may hold another public hearing to consider the draft PUD site plan resolution or the Commission may consider it in conjunction with the hearing on the Final PUD Site Plan and Zoning Map Amendment Ordinance.
5. The Planning Commission shall review the Final PUD Site Plan and the draft PUD site plan resolution if it is prepared at the public hearing and may direct the applicant to revise the plan as necessary to address Zoning Ordinance requirements or concerns of the Planning Commission.
6. The Planning Commission shall make any recommendation to the Township Board to approve, approve with conditions, or deny the PUD rezoning and Final PUD Site Plan and shall base its recommendation on compliance with the standards of Section 12.08 herein.
7. The applicant shall make any revisions to the Final PUD Site Plan

as required by the Commission in its recommendation to the Township Board and shall make these revisions before the Final PUD Site Plan, the Zoning Map Amendment Ordinance, and the draft PUD site plan resolution is transmitted to the Township Board.

*(Ord. No. #2018-1, Eff. 2-12-18)*

**E. STEP 5 Township Board Action & Public Hearing**

1. After receiving the recommendation of the Planning Commission, the Township Board shall review the application package, the Final PUD Site Plan, the Zoning Map Amendment Ordinance, the draft PUD site plan resolution, the record of the Planning Commission proceedings and the Planning Commission’s recommendation. The Township Board shall conduct a public hearing and provide notice in the manner set forth in Section 29.01 of this zoning ordinance. Except for a Final PUD Site Plan required by Section 12.11C of this Ordinance or otherwise required by the PUD resolution or elsewhere within this Article, no Final PUD Site Plan shall be reviewed when the original PUD resolution identifies the available uses within the PUD.
2. The Township Board shall then make its findings based on the PUD standards for approval in Section 12.08. Upon a determination that a proposed development meets such standards, conditions, and

requirements, the Township Board may approve the Final PUD Site Plan, the Zoning Map Amendment Ordinance and the PUD site plan resolution.

3. The Township Board may impose reasonable conditions upon its approval of the PUD. Such condition may include conditions necessary to ensure that public services and facilities affected by the PUD will be capable of accommodating increased service and facility loads caused by the property use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use in a socially and economically desirable manner.
4. The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the landowner.

*(Ord. No. #2018-1, Eff. 2-12-18)*

**Sec. 12.08 STANDARDS FOR APPROVAL** (for both Planning Commission and Board final review)

A PUD shall be approved only if it complies with each of the following standards as applicable.

- A. The PUD complies with all qualifying conditions of this PUD ordinance.
- B. The uses to be conducted within the PUD are substantially consistent with the Allendale Charter Township Master Plan OR based on the design of the PUD and the conditions imposed, the proposed uses are appropriate for the proposed location and are not likely to affect the recommendations of the Master Plan for the larger area where the PUD is to be located.
- C. The PUD is compatible with surrounding uses of property and the natural environment.
- D. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not significantly change the essential character of the surrounding area.
- E. The proposed development is consistent with the spirit of the PUD District, as described in this Article and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
- F. The PUD preserves and maintains mature woodlands, fields, pastures, meadows and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- G. The individual lots, buildings, roadways, and open space areas within the PUD are designed to minimize the alteration of environmental site features.
- H. The PUD can be adequately served by public utilities such as police and fire protection or public or on-site community water or sanitary sewer.

- I. If the PUD is to be completed in phases, the PUD shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all the features necessary to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area.

**Sec. 12.09 TIME LIMITS FOR APPROVED PUD DISTRICT**

Each PUD shall be under construction within 12 months after the date of approval of the PUD Final Site Plan, except as noted in this Article.

- A. The Township Board may grant two 12 month extensions if the applicant applies for such extension prior to the date of the expiration of the PUD provided that:
  - 1. The applicant presents reasonable evidence that the applicant/PUD has encountered unforeseen difficulties beyond the control of the applicant and
  - 2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonable related to the PUD have not changed.
- B. Should neither of the provisions of subsection A. be fulfilled, or should an extension expire without construction

commencing, the Final PUD approval(s) shall be void.

- C. Should the PUD be voided, the Township Board shall then rezone the property back to the prior zoning classifications(s) or to rezone it to any other zoning classification(s) in accordance with the requirements for rezoning of this Ordinance.

**Sec. 12.10 EXISTING APPROVED PUD'S**

Planned Unit Developments that were given either Preliminary or Final PUD Site Plan approval prior to January 23, 2012 and which all or only part of the PUD existed as of the effective date of this Ordinance shall be considered to be conforming uses and shall continue to be regulated by the conditions and the site plan, whether Preliminary or Final, which were previously approved for the particular PUD.

If the Ordinance or resolution approving such PUD does not contain zoning regulations or development standards which would otherwise normally apply to the land uses proposed in the PUD then the Township Board, following a recommendation, from the Planning Commission, may apply the normal zoning regulations or development standards or may modify them as requested by the applicant in accordance with Section 12.06 herein.

*(Ord. 2013-18, Eff.8-24-13)*

A major or minor change to an existing PUD shall be subject to the procedures and requirements as set forth in Section 12.11



except that for a major change, the number of dwelling units and amount of open space shall remain as approved for the Preliminary PUD Site Plan. All other requirements and procedures for this Article as amended by Ordinance No. 2012-1, shall apply to the major change.

If an existing PUD is proposed to be expanded to include additional property outside the boundaries of the existing PUD then such enlargement shall be subjects to all the requirements and procedures of this Article.

**Sec. 12.11 CHANGES TO AN APPROVED PUD.**

Changes to an approved PUD shall be permitted only under the following circumstances.

- A. The holder of an approved PUD Final Site Plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Reduction of the size of any building and/or sign.
  - 2. Movement of buildings by no more than 20 feet except that buildings shall not move more than 10 feet toward a PUD boundary or public street.

- 3. Landscaping or fencing approved in the PUD Final Site Plan that is replaced by similar landscaping or fencing to an equal or greater extent.
- 4. Internal rearrangement of a parking lot which does not affect the number of parking spaces or significantly alter access locations or design.
- 5. Changes required or requested by the Township, Ottawa County, or other State or Federal regulatory agency in order to conform to other laws or regulations or for reasons of public safety.

- C. A proposed change, other than a minor change as determined by the Zoning Administrator, shall be submitted as an amendment to the PUD and shall be processed in the same manner as an original PUD application except that the PUD zoning shall remain in plan.

The Zoning Administrator may refer any decision regarding any proposed change to an approved PUD Final Site Plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

*(Ord. 2013-18, eff. 8-24-13)  
(Ord. 2013-19, eff. 11-9-13)  
(Ord. 2014-2, eff. 1-25-14)  
(Ord. 2018-1, eff. 2-12-18)  
(Ord. 2020-4, eff. 10-26-20)  
(Ord. 2022-7, eff. 9-5-22)*

**ARTICLE 13**  
**C-1 LIMITED BUSINESS DISTRICT**

Updated 5-4-13

Ordinance No. 2013-2

**Deleted in its entirety.**

Updated 2-1-16

Ordinance No. 2016-2

**ARTICLE 13A**  
**O – OFFICE DISTRICT**  
Updated 3-14-22

**Section 13A.01 DESCRIPTION AND PURPOSE.**

- A. This zone is intended to:
  - 1. Provide suitable locations for professional and business office uses.
  - 2. Provide a transition zone between more intensive commercial uses and residential districts.
  - 3. Only permit those types of office uses which do not create a necessity for a large amount of customer, employee, or visitor parking.

- 3. Photographers studios and travel agencies.
- 4. Medical, dental and optical offices, clinics and laboratories.
- 5. Miscellaneous business service establishments, including business consulting services, mailing and duplicating services, stenographic-secretarial services, and data processing centers.
- 6. Health and fitness centers.
- 7. Permitted accessory uses. – see Sec. 3.11.

**Section 13A.02 PERMITTED USES.**

- A. Land or buildings in the Office District may be used for the following purposes only:
  - 1. Offices for the following professions and occupations: executive, administrative, scientific, scholarly, artistic, architectural, engineering, insurance, accounting, law, secretarial services, drafting, designing, real estate and sales representatives.
  - 2. Offices of banks, savings and loans, credit unions, mortgage lenders and other financial services, not having drive through facilities.

**Section 13A.03 USES REQUIRING SPECIAL APPROVAL.**

- A. The following uses may be authorized by the Planning Commission subject to compliance with the procedures and standards established in Article 20 of this ordinance:
  - 1. Offices of banks, savings and loans, credit unions, mortgage lenders and other financial services having drive-through facilities, providing the following requirements are met. – Also see Sec. 23.04.C.
    - a. No portion of a drive-through facility, including roof canopy, service island, or access driveway,

shall be located nearer than one hundred (100) feet to any residential, agricultural or rural estate zoned property.

- b. Landscaping, earth berms or fences shall be installed to assure that adjoining properties are not affected by headlight glare from vehicles using the drive-through facilities.
- 2. Child day care centers, provided the following minimum requirements are met: - Also see Sec. 23.11.b.
  - a. Adequate fencing is provided for the safety of the children. – see Sec. 3.05.c.
  - b. Off street parking for all employees of the facility and off street pickup and drop off areas shall be provided.
- 3. Single family dwellings.
- 4. Government office buildings.
- 5. Libraries.
- 6. Funeral homes.

**Section 13A.04 HEIGHT REGULATIONS.** No building or structure shall exceed thirty (30) feet in height.

**Section 13A.05 AREA REGULATIONS.**

- A. All buildings, structures or additions thereto shall comply with the following requirements.

**1. LOT AREA AND WIDTH.**

- a. The minimum lot area shall not be less than fifteen thousand (15,000) square feet and the width of a lot at the front setback line shall not be less than one hundred (100) feet.

**2. FRONT YARD SETBACK.**

- a. All building or structures on property adjacent to a public road shall have a setback of not less than twenty-five (25) feet from the edge of the road right-of-way, or the proposed property line (if further public road dedication is required), whichever is greater, except that this required setback shall be thirty (30) feet when adjacent to a primary street or major arterial street.
- b. Uses permitted in any front yard setback shall be limited to pedestrian walks, vehicular access drives, meter pits and manholes, signs as regulated in Article 22, and utility poles. No parking shall be permitted in the front yard setback. The front yard shall be landscaped and maintained.

**3. SIDE YARD.**

- a. Where the side of a lot in the O Zone abuts upon the side of a lot in any R, RE or AG Zone, there shall be a side yard of not less than fifteen (15) feet. No parking shall be allowed in this area.
- b. There shall be a side yard of not less than twenty-five (25) feet on the street side of a corner lot.

c. In other cases, a side yard for an office building shall not be required when a building is proposed in conjunction with the same or similar improvement within an abutting Lot as part of a larger project, provided building walls are built of fire-retardant construction in compliance with the State of Michigan building code.  
*(Ord. No. 2022-04, Eff. 3-14-22)*

**4. REAR YARD.**

a. Where the rear of a lot in the O Zone abuts upon the side of a lot in R, RE or AG Zone, there shall be a rear yard of not less than twenty-five (25) feet.

b. In all other cases, there shall be a rear yard of not less than five (5) feet. When a building is proposed in conjunction with the same or similar improvement within an abutting Lot as part of a larger project, no rear yard shall be required, provided building walls are built of fire-retardant construction in compliance with the State of Michigan Building Code.  
*(Ord. No. 2022-04, Eff. 3-14-22)*

- B. All business, activity shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading.
- C. Landscaping shall be provided in accordance with Article 21A herein.
- D. Parking and Loading Area - see Article 21.
- E. Signs - see Article 22.
- F. Site Plan Review Requirements – see Article 24.

**Updated 5-4-13**  
**Ord. No.# 2013-2**

**Updated 3-14-22**  
**Ord. No.# 2022-04**

**Section 13A.07 ADDITIONAL REGULATIONS.**

A. All accessory structures shall match the primary building in material and color. Accessory structures are not permitted on the street side of a corner lot. No accessory structure shall be constructed closer than (15) fifteen feet to any side or rear property line.

ARTICLE 14

GC, GENERAL COMMERCIAL DISTRICT

This Article was amended in its entirety replacing Article 14 which had been amended on 5-4-2013 with Ordinance No. 2013-2. Effective 2-1-2016 Ord. No. 2016-2

Updated 9-5-2022

Sec. 14.01. DESCRIPTION AND PURPOSE.

The General Commercial (GC) District is intended to provide for a wide variety of retail, office and service uses which can serve the shopping needs of the resident of Allendale Township and passing traffic. Regulations are designed to encourage and facilitate the development of sound and efficient shopping and business activities. (Ord. 2022-07, Eff. 9-5-2022)

Sec. 14.02. PERMITTED USES

Land and/or buildings in the GC District may be used for the following purposes by right:

- A. Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building.
- B. Personal service establishments conducting services on the premises, such as barber and beauty shops, shoe repair, tailoring and dry cleaning, health and fitness establishments, and other similar uses.
- C. Office uses.
- D. Medical, optical, dental, chiropractic, physical therapy and similar clinics and services.
- E. Banks, credit unions, and similar financial businesses, including those with drive-through facilities.
- F. Restaurants, delicatessens, coffee houses including sit-down and carryout establishments excluding those with drive in or with drive through facilities.
  - 1. Outdoor dining is permitted where such dining does not encroach upon

- a minimum of five feet of unobstructed sidewalk space adjacent to the curb.
- 2. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including plan material.
- 3. The minimum lot size is one acre with a minimum of 200 feet of lot width.
- 4. Any outdoor dining activity proposed for a public side walk or elsewhere in a road right of way must first be approved by the Allendale Charter Township Board. (Ord. 2018-6, Eff. 7-1-2018)
- G. Coin operated laundries.
- H. Dancing, art and music studios.
- I. Libraries, museums, public parks and similar public uses.
- J. Pharmacies including those with a drive-up window.
- K. Catering establishments.
- L. Retail building supply and equipment stores provided there is no outdoor storage or display of merchandise.
- M. Retail nurseries and garden centers provided there is no outdoor storage or display of merchandise.
- N. Pet shop including grooming services.
- O. Establishments serving alcoholic beverages including establishments which make and sell their own alcoholic beverages on site. Live music is permitted subject to any applicable State of Michigan regulations.

- P. Veterinary clinics without Kennel services except for outdoor runs, which shall be used only when an employee is present with the dogs or dogs.  
*(Ord. 2020-2, Eff. 3-30-2020)*
- Q. Shops or stores for carrying on the trade of electricians, decorators, painters, upholsterers, photographers, similar artisans except metal workers.
- R. Ambulance service establishments.
- S. Funeral home/Mortuary.
- T. The repair or assembly of products sold by a permitted use in this district provided the repair or assembly does not constitute the principal use and all such work is performed inside. Repair of motorized vehicles is prohibited as a permitted use.
- U. Indoor recreation establishments and facilities such as bowling alleys, video gaming establishments, skating rinks, indoor rock climbing, theaters, swimming pools, auditoriums and other similar indoor recreation uses as may be regulated by Section 23.10 herein excepting those indoor recreation uses which are specifically listed elsewhere in this Ordinance.
- V. Utility and public service buildings including fire and police stations without storage yards.
- W. Dwelling units may be permitted as an accessory use within a building of two stories or greater subject to the following conditions:
  - 1. A dwelling unit shall not be located on the ground floor or in a basement.
  - 2. The dwelling unit shall comply with the minimum floor area requirements of the R-4 zoning district.
  - 3. Access to a dwelling unit shall be separate from the access used by the business located in the same building.

- 4. One off-street parking space per bedroom in addition to the requirements for the principal use shall be provided onsite in accordance with the applicable requirements of Article 21 herein.
- 5. A building permit shall be obtained to establish a dwelling unit in order to ensure compliance with the requirements of this section and also with the Township building and fire code and the requirements of the Ottawa County Health Department. The entire building containing the dwelling unit shall also comply with or shall be brought into compliance with the Township Building and fire code before an occupancy permit is issued for the dwelling.

**Sec. 14.03 USES REQUIRING SPECIAL APPROVAL**

The following uses may be authorized by the Planning Commission subject to the procedures and standards established for special use permits in Article 20 of this Ordinance.

- A. Vehicle wash establishments both drive through and self-serve if per Section 23.03.E
- B. Vehicle repair shop or garage which performs minor and major such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair, collision and painting work and similar vehicle repair services per Section 23.03.B.
- C. Open air businesses including but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile homes, mobile or

- modular homes, including building materials, supplies, and similar uses.
- D. Restaurants with drive through facilities. Outdoor dining is permitted per Section 14.02.F.
    - 1. The minimum lot size is one acre with a minimum of 200 feet of lot width.
    - 2. Waiting areas for any terminal or intercom system shall be sufficient to assure that roads, sidewalks, or other public access routes will not be obstructed by waiting automobiles at any time.  
*(Ord. 2018-6, Eff. 7-1-2018)*
  - E. Retail building supply and equipment stores which have outdoor storage or display of merchandise.
  - F. Retail nurseries and garden centers which have outdoor storage or display of merchandise.
  - G. Outdoor recreation establishments such as athletic and recreational facilities, marinas, golf courses, golf driving ranges, miniature golf, go cart tracks, batting cages and similar outdoor facilities subject to the applicable requirements of Section 23.10 herein.
  - H. Indoor gun and archery ranges.
  - I. Gas stations with or without restaurants or convenience stores per the requirements of Sections 23.03.A herein.
  - J. Hotels and motels.
  - K. Kennels.
  - L. Churches, synagogues, mosques and similar places of religious worship.
  - M. Public or private clubs, lodges, and banquet halls or similar places of assembly.
  - N. Housing for the elderly including retirement housing, assisted living and nursing facilities.
  - O. [Reserved for future use]  
*(Ord. 2022-07, Eff. 9-5-2022)*

- P. Business or trade schools.
- Q. Establishments for the repair of small engines, appliances and similar equipment. All such items shall be kept indoors or outdoors in an area screened from view.
- R. Adult and Child Day Care Facility/Child Care Center.
- S. Veterinary clinics which provide Kennel services.  
*(Ord. 2020-2, Eff. 3-30-2020)*

**Sec. 14.04 HEIGHT REGULATION.**

No building or structure shall exceed 35 feet in height except TV or radio towers.

**Sec. 14.05 AREA REGULATIONS.**

All buildings, structures, or additions thereto shall comply with the following requirements:

**A. FRONT YARD.** The minimum required front yard setback shall be 25 feet for each street abutting the parcel. Uses permitted in the front yard setback shall be limited to pedestrian walks, vehicular access drives, meter pits and manholes, signs as regulated in Article 22, required landscaping and utility poles. No parking shall be permitted in the required front yard setback. The front yard shall be landscaped and maintained according to the requirements of Article 21A.

**B. SIDE YARD.**

- 1. Where a side lot line in the GC Zone abuts any R or AG Zone, there shall be a side yard of not less than 15 feet. No parking shall be allowed in this area except as may be allowed by Section 21.04.C. However, in cases where the abutting property is master planned for commercial or



industrial land use the required building setback may be reduced to the setbacks as described in Section 14.05.B.2 below if it is determined by the Planning Commission that such reduction is not likely to adversely affect nearby residents and property. The Commission may require additional landscaping, solid fencing, a wall or other similar measures to reduce the impact of a closer building on nearby residents and properties.

2. A side yard for a commercial building shall not be required when a building is proposed in conjunction with the same or similar improvement within an abutting Lot as part of a larger project, provided building walls are built of fire-retardant construction in compliance with the State of Michigan building code. Where a building is not built on the lot line or where the wall of a structure facing the side lot line has windows or other openings, a 10-foot side yard shall be required.

*(Ord. 2022-04, Eff. 3-14-2022)*

**C. REAR YARD.**

1. The rear yard setback for lots in a GC Zone which abut any R Zone or AG Zone shall be a minimum of 25 feet.
2. In all other cases, there shall be a rear yard of not less than five (5) feet. When a building is proposed in conjunction with the same or similar improvement within an abutting Lot as part of a larger project, no rear yard shall be required, provided building walls are built of fire-retardant construction in compliance

with the State of Michigan Building Code.

3. No accessory building shall be allowed in the required rear setback area of any lot.

*(Ord. 2022-04, Eff. 3-14-2022)*

**D. LOT AREA AND WIDTH.**

Lots created after the effective date of this Ordinance amendment (February 1, 2016) except for lots of record as noted below shall have a minimum lot area of 22,500 square feet and the width of the lot at the minimum required front setback line shall not be less than 150 feet. A lot or lots which are of record as of the effective date of the amendment (February 1, 2016) and which are planned for General commercial land use by the Allendale Township Master Plan shall not be rezoned to the GC district unless the lot or lots contain a minimum of 15,000 square feet.

**Sec. 14.06 ADDITIONAL REGULATIONS**

- A. Outdoor display of merchandise as an accessory use to the principal use of the parcel is permitted subject to the following requirements:

1. The items displayed shall not be located within the required front yard.
2. The outdoor display of merchandise shall be placed no more than 10 feet from any building on the property. The Planning Commission may allow merchandise to be located more than 10 feet from a building if a Special Land Use is approved in accordance with the procedures and requirements of Article 20 herein.
3. The outdoor display of merchandise shall be located so that the items do

- not occupy those parking spaces required by the Allendale Township Zoning Ordinance for the principal use or occupy any access lanes or driving lanes on the parcel.
4. The area devoted to the outdoor display of merchandise shall at all times be kept neat and orderly and not be allowed to become unsightly or a visual nuisance. Any debris, scrap material, litter, empty shelves, racks, pallets, boxes or similar material not containing display items shall be removed from the outdoor display area.
  5. If the outdoor display requires the use of electricity then the method of providing the electricity shall comply with the applicable requirements of Allendale Township.
- B. Landscaping shall be provided in accordance with Article 21A herein.
- C. Parking and Loading Areas – see Article 21.
- D. Signs – see Article 22.
- E. Site Plan Review Requirements – see Article 24.
- F. Existing single family dwellings which are proposed to be converted from residential use to a commercial, office or other non-residential use including the enlargement of the existing dwelling shall comply with the following requirements:
1. The proposed use shall be subject to site plan review by the Planning Commission.
  2. The building shall comply with the requirements of the Allendale Township Building Code.
  3. In order to ensure that such conversion is in keeping with the development standards required for new non-residential developments the Planning Commission may require that existing buildings, structures and landscaping that have fallen into dis-repair or have become unsightly be restored and repaired. This shall include but not be limited to repair or restoration of: exterior defects in any existing buildings; cracked sidewalk and driveway; broken fencing; unkempt lawn; dead or diseased trees and shrubs and removal of outdoor storage items. These repairs shall be identified as part of the site plan review process and corrected before the building is occupied.
4. The standards of Section 24.06 shall be met. These standards may be specifically waived or modified by the Planning Commission if it can be demonstrated that strict adherence to these standards would not be practical due the existing conditions of the property and that the modification or waiver would not result in the proposed use having an adverse effect on adjacent properties or residents.
  5. The existing drive way may be used to fulfill the off street parking requirements provided that vehicles shall not be parked in the required 25 feet front yard and that a turnaround shall be provided on site so vehicles do not need to back onto a public street. The turnaround area, however, may be located in the required front yard.
  6. Structural alterations of existing buildings, including enlargements, shall be subject to the façade requirements of Section 24.06.J in accordance with the modification/waiver standards of Section 14.06.F.4 above.
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**Sec. 14.07. MORATORIUM**

**A. Section 14.07(a). Findings.**

The Township Board has determined that:

- i. In accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended (the “MZEA”), the Charter Township of Allendale (the “Township”) has the authority to establish reasonable land use regulations to protect the public health, safety and welfare and in a manner consistent with applicable Michigan law.
- ii. Article 14, Section 14.03(O), permits the construction of mini warehouse and self-storage facilities as a special use in the GC, General Commercial District.
- iii. In reviewing the Master Plan, it has been determined that there is a potential for a negative impact on the long-term health and sustainability of the community if such developments are permitted to proliferate within certain areas of the General Commercial District.
- iv. The Township Board has submitted a request to the Planning Commission to review the language contained in Section 14.03 of the Zoning Ordinance to determine whether or not it is reasonable to continue to permit mini warehouse and self-storage facilities as a special use in the GC General Commercial District, or whether the use should be authorized in another area of the Township.
- v. Imposing a Moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for

review of and potential amendments to the Zoning Ordinance.

- vi. A moratorium should be imposed upon the issuance of any and all permits or licenses for the development of mini warehouse and self-storage facilities for a period of 12 months or until an amendment of the applicable Zoning Ordinance provision is adopted, whichever occurs first.

**B. Section 14.07(2). Moratorium.**

There is hereby imposed a Moratorium upon the issuance of any and all permits or licenses for the development of mini warehouse and self-storage facilities as a special use in the GC General Commercial District Zone within the Township. This moratorium shall not apply to requests for electrical permits or other permits necessary for routine maintenance of existing facilities.

**C. Section 14.07. Term.**

The moratorium imposed by this Ordinance shall expire the earlier of 12 months from its effective date or the effective date of an amendment to the Zoning Ordinance.

*(Ord. 2022-03, Eff. 3-14-2022)*

**Ord. # 2016-2  
Eff. 2-1-2016**

**Ord. # 2022-03  
Eff. 3-14-2022**

**Ord. # 2018-6  
Eff. 7-1-2018**

**Ord. # 2022-04  
Eff. 3-14-2022**

**Ord. # 2020-2  
Eff. 3-30-2020**

**Ord. # 2022-07  
Eff. 9-5-2022**

## ARTICLE 15 C-3 SERVICE COMMERCIAL DISTRICT

Updated 9-5-22

### 15.01 DESCRIPTION AND PURPOSE.

This zone is intended to provide a district for selected commercial retail sales and services, including warehousing, distributing and storage and wholesale activities. It is desirable to separate these uses from other commercial and from residential areas because of the large lot size needed to accommodate many of these uses, and because they possess characteristics that would detract from the retail or residential environments of the other districts.

### 15.02 USE REGULATION.

The following uses are permitted if the structures and/or buildings do not exceed 20,000 square feet in gross floor area, except for Kennels, which may only be authorized by special use. If the structures and/or buildings exceed 20,000 square feet in gross floor area, the use may be authorized by the planning commission, subject to the procedures and standards established in Article 20 of this ordinance.

*(Ord. No. 2020-2, Eff. 3-30-20)*

**A.** All uses permitted in the GC district.

*(Ord. No. 2020-2, Eff. 3-30-20)*

**B.** Amusement Parks - see Section 23.10 A.

**C.** Appliance repair shops, used appliance dealers.

**D.** Contractor's (building, plumbing, heating, electrical, etc.) shop or yard; see Sec. 15.03.B.

**E.** Crating and packing service.

**F.** Diaper, linen and towel supply service.

**G.** Dry cleaning and laundry plant - custom and self-service.

**H.** Electrical supplies - wholesale and storage.

**I.** Exterminator service.

**J.** Factory and mill supplies.

**K.** Farm Equipment sales with incidental repair and service, subject to the standards of Section 23.03.D.

**L.** Feed sales.

**M.** Frozen food locker.

**N.** Jukebox and vending machine service and distribution.

**O.** Landing and take-off areas for helicopters.

**P.** Lumber yard, not including the treatment of lumber.

**Q.** Major automobile repair garages, collision or bump shops, or other similar uses – see Section 23.03.B.

**R.** Mobile home sales.

**S.** Ornamental ironwork and fence service.

- T.** Printing and publishing including processes related thereto (printing shop, lithographing, bindery, etc.)
- U.** Refrigeration and air conditioning repair and service.
- V.** Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.
- W.** Tire store and related activities.
- X.** Trade school.
- Y.** Vehicle sales lot, showroom or other establishment, other than Vehicle or Freight Terminals, that sells, stores or rents five (5) or more vehicles in a period of twelve (12) months, subject to the standards of Section 23.03.D. For purposes of this subsection, the term "vehicles" shall include, without limitation, cars, trucks, travel trailers, campers, motor homes, motorcycles, boats trailers and all similar vehicles.
- Z.** Establishments for the sale, rental or storage of construction equipment with incidental repair and service, subject to the standards of Section 23.03.D. For purposes of this subsection, construction equipment shall include, without limitation, bulldozers, graders, backhoes, front-end loaders, asphalt paving equipment, dump trucks and trailers, and all similar excavation and heavy construction equipment.
- AA.** Veterinarian office, animal hospital, kennels.
- AB.** Vehicle or freight terminal.

- AC.** Warehousing and storage structure, mini-warehouse and self-storage facilities.  
*(Ord. No. 2022-07, Eff. 9-5-22)*
- AD.** Wholesale sales, manufacturers representatives.
- AE.** Welding or tin shop.
- AF.** Any other commercial activity involving retail sales and services which is determined by the Planning Commission to be of the same general character as the above permitted uses.

**Sec. 15.03 LIMITATIONS AND EXCEPTIONS.**

- A.** Every building in a C-3 zone shall be so constructed, the machinery and equipment shall be so installed and maintained, and the activities shall be so conducted, that all noise, vibrations, dust, odor and all other objectionable factors shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity.
- B.** Open storage of materials and equipment shall be permitted in a C-3 zone only when incidental to the use of an office, store, or manufacturing building located on the front portion of the same lot; and provided, that:
  - 1. Storage is located on the rear one-half of the lot and is confined to an area not to exceed three thousand (3,000) square feet.

2. Storage is completely enclosed by a solid wall or fence (with necessary solid gates) not less than six (6) feet in height.
3. No material shall be stored to a height greater than that of the wall or fence enclosing the storage area.

**Sec. 15.04 HEIGHT REGULATION.**

No building or structure shall exceed thirty (30) feet in height except TV or radio towers.

**Sec. 15.05. AREA REGULATIONS.**

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot areas and building coverage are provided and maintained in connection with such buildings, structure or enlargement.

**A. FRONT YARD.** Where all the frontage between two intersection streets is located in any C Zone, there shall be a front yard of not less than twenty-five (25) feet, provided that where a uniform setback has been established by fifty percent (50%) of the frontage, said setback shall apply. Where the frontage is located partly in any R or AG Zone and partly in the C-3 Zone, the front yard of the R Zone shall apply to the C-3 Zone.

Uses permitted in the front yard setback shall be limited to pedestrian walks, vehicular access drives, meter pits and manholes, signs as regulated in Article 22, and utility poles. No parking shall be permitted in the front yard setback. The front yard shall be landscaped and maintained.

**B. SIDE YARD.**

1. Where the side of a lot in the C-3 Zone abuts upon the side of a lot in any R or AG Zone, there shall be a side yard of not less than fifteen (15) feet. No parking shall be allowed in this area.
2. There shall be a side yard of not less than twenty five (25) feet on the street side of a corner lot.
3. A side yard for a commercial building shall not be required when a building is proposed in conjunction with the same or similar improvement within an abutting Lot as part of a larger project, provided building walls are built of fire-retardant construction in compliance with the State of Michigan building code. Where a building is not built on the lot line or where the wall of a structure facing the side lot line has windows or other openings, a ten (10) foot side yard shall be required.

*(Ord. No. 2022-04, Eff. 3-14-22)*

**C. REAR YARD.**

1. Where the rear of a lot in a C-3 Zone abuts upon the side of a lot in any R Zone or AG Zone, there shall be a rear yard of not less than twenty-five (25) feet, provided that where a public alley separates the rear of a C-3 Zone lot from an R Zone lot, the full width of the alley may be considered as part of the rear yard for making the computation.
2. In all other cases, there shall be a rear yard of not less than five (5) feet. When a building is proposed in conjunction with the same or similar improvement within an abutting Lot as part of a larger

project, no rear yard shall be required, provided building walls are built of fire-retardant construction in compliance with the State of Michigan building code.

- 3. No accessory building shall be allowed in the required rear yard area of any lot. *(Ord. No. 2022-04, Eff. 3-14-22)*

**D. LOT AREA.** Lots in the C-3 zone shall have a minimum area of thirty thousand (30,000) square feet and a width at the front setback line shall not be less than two hundred (200) feet. A lot that is less than the minimum area and width of the district may be used only for purposes *(Ord. No. 2020-5, Eff. 10-26-20)*

**Updated 5-4-13  
Ord. No. 2013-2**

**Updated 3-30-20  
Ord. No. 2020-2**

**Updated 10-26-20  
Ord. No. 2020-5**

**Updated 3-14-22  
Ord. No. 2022-04**

**Updated 9-5-22  
Ord. No. 2022-07**

permitted and as regulated in the GC zoning district.

**15.06 ADDITIONAL REGULATIONS**

- A.** Landscaping shall be provided in accordance with Article 21A herein.
- B.** Parking and loading Areas - see Article 21.
- C.** Signs - see Article 22.
- D.** Site Plan Review Requirements - see Article 24.

**ARTICLE 16**  
**I - INDUSTRIAL DISTRICT**

Updated 9-5-22

**Sec. 16.01. DESCRIPTION AND PURPOSE.**

The I-Industrial District is a zoning district which permits a wide range of manufacturing, assembling, compounding, and treatment of articles or materials; as well as warehousing, research, and related business office uses.

**Sec. 16.02. PERMITTED USES.**

- A.** Any use permitted in the C-3 zone.  
*(Ord. No. 2021-06, Eff. 12-6-21)*
- B.** The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products.
- C.** The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials such as aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, paperboard, plastics, precious or semiprecious metals or stones, shell rubber, tin, iron, steel, tobacco, wood and yarn.
- D.** Manufacturing or fabrication of products, components, devices, equipment, systems and parts, such as the following: Ceramic products; communication transmission and reception equipment; data processing equipment and systems; electrical appliances; electronic instruments, devices and components; glass molding, edging, beveling and silvering; graphics and art equipment; jewelry, including products from precious or semi-precious stones or metals; medical or dental equipment; metering instruments; optical devices, equipment and systems; photographic equipment; furniture assembly and/or manufacturing; processing and packaging of agricultural products, including rendering or refining of fats and oils.
- E.** Petroleum storage located at least five hundred (500) feet from any residentially zoned property.
- F.** Precision machine shops for producing components, manufacturing, processing, and assembling.
- G.** Tool and die shop.
- H.** Wholesale sales.
- I.** Warehouses, distribution and storage facilities including mini-warehouses and self-storage facilities. Hazardous, toxic or obnoxious goods or products shall be prohibited.  
*(Ord. No. 2022-07, Eff. 9-5-22)*
- J.** Auto repair shops subject to the regulations of Section 23.03 B.
- K.** Auto wash.
- L.** Contractor yards.
- M.** Crating and packing service.



- N. Dry cleaning and laundry plant, excluding retail service to the public.
- O. Bottling plants and dairies.
- P. Printing, publishing, and allied industries.
- Q. Sign painting and servicing shops.
- R. Research and development, experimental or developmental laboratories, or data services.
- S. Product assembly plant, primarily engaged in final or partial assembling or packaging of pre-manufactured, treated, or fabricated components, materials or products.
- T. Essential services as regulated by Section 3.07.
- U. Governmental services buildings such as post offices, fire and police stations.
- V. Broadcasting studios.
- W. Wireless communication equipment, towers and antennas according to the requirements of Article 25.
- X. Production in greenhouses of flowers, plants, shrubs, trees, or other similar living products.
- Y. Production of cut stone products related to monuments.
- Z. Manufacture of biological products, drugs, medicinal chemicals and pharmaceutical preparations.
- AA. Trade or industrial schools.
- BB. Commercial fuel distribution.
- CC. Diaper, linen and towel supply services.

- DD. Electrical supplies-wholesale and storage.
- EE. Exterminator service.
- FF. Vehicle or freight terminal.
- GG. Welding or tin shop.
- HH. Buildings, structures, and uses accessory to the permitted land use.

### **Sec. 16.03. USES REQUIRING SPECIAL APPROVAL.**

The following uses may be authorized by the Planning Commission, subject to compliance with the procedures and standards established in Article 20 of this ordinance:

- A. Kennels.
- B. Auction houses.
- C. Airports, and landing and take-off areas for helicopters.
- D. Wireless communication equipment, towers and antennas according to the requirements of Article 25.
- E. Drive-in theaters.
- F. Salvage yards, recycling (including tires), and composting according to the requirements of Section 23.09.
- G. Sewer and water treatment facilities.
- H. Establishments where sports and recreation activities and physical fitness training activities are conducted primarily indoors. New buildings constructed or existing buildings re-constructed for such uses shall be of a size and design which can accommodate and be re-used for applicable Permitted and Special Land Uses allowed in the I-Industrial District in order to ensure

that an adequate supply of land and buildings is available for future industrial users in the I-Industrial District.

- I. Amusement parks.
- J. Outdoor storage of vehicles, boats, trailers, recreational vehicles and similar items.
- K. Asphalt, concrete or similar refining and manufacturing.
- L. Refuse and garbage incinerators.
- M. Manufacture of gas, coke, or coal tar products.
- N. Manufacture of ammunition, fireworks, or other explosives.
- O. Stockyards and slaughterhouses.
- P. Blast furnace drop forges, petroleum refining, metal stamping and similar uses.
- Q. Display and sale of items which are manufactured, repaired or serviced as part of a use permitted in the I-Industrial District.
- R. Establishments which produce alcoholic beverages primarily for distribution off-site and which also engage in one or more of the following as a small percentage of the overall sales of the business and which devote a small portion of the square footage of the building to the following:
  1. The retail sale of alcoholic beverages produced on-site to the general public for consumption on the site and/or on a retail take-out basis including the limited sale of snacks, prepackaged

foods, and non-alcoholic beverages;

2. Conduction of tours for the general public of the facility;
  3. The retail sales of items related to the company and its products such as glassware, posters, and clothing.
- S. Buildings, structures, and uses accessory to the permitted land use.
  - T. Churches, Synagogues and other buildings used for religious worship. – see Sec. 23.05  
*(Ord. No. 2020-5, Eff. 10-26-20)*

#### **Sec. 16.04. ACCESSORY USES PERMITTED.**

The following accessory uses are permitted:

- A. Administrative, executive or corporate offices which are a part of a predominant industrial operation, including governmental offices and facilities.
- B. Cafeteria operated in conjunction with a permitted use for the convenience of persons employed on the premises.
- C. Dwelling unit, one per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted.
- D. Employee recreation facilities and play areas.
- E. Limited repair operations for products described as permitted uses and commercial sales and service

incidental to a permitted use, provided such operations are housed as a part of the building or buildings comprising the basic operation.

**Sec. 16.05. HEIGHT REGULATIONS.**

All buildings and structures shall be limited to a height of thirty-five (35) feet. If the Planning Commission finds that additional height would not be detrimental to adjacent properties and with the approval of the Township Fire Chief, height limits may be increased to a maximum height of ninety (90) feet if an additional one foot of building setback is provided for each one foot in height that the building exceeds thirty-five (35) feet. If only a portion of the building exceeds thirty-five (35) feet, such additional setback need be provided only to that portion of the building exceeding thirty five (35) feet.

**Sec. 16.06. AREA REGULATIONS.**

All buildings, structures, or additions thereto shall comply with the following requirements:

**A. Front Yard.**

Twenty-five (25) feet for each public street abutting the parcel.

**B. Side Yard.**

A side yard of not less than fifteen (15) feet shall be required, provided that a minimum side yard of fifty (50) feet shall be required whenever a lot or parcel of land in the I – Industrial District abuts a lot or parcel of land in a residential zoning district. When a building is proposed in conjunction with the same or similar improvement within an

abutting Lot as part of a larger project, no side yard shall be required, provided building walls are built of fire-retardant construction in compliance with the State of Michigan building code.

*(Ord. No. 2022-04, Eff. 3-14-22)*

**C. Rear Yard.**

1. A rear yard of not less than twenty-five (25) feet shall be required, provided that a minimum rear yard of fifty (50) feet shall be required whenever a lot or parcel of land in the I – Industrial District abuts a lot or parcel of land in a residential zoning district. When a building is proposed in conjunction with the same or similar improvement within an abutting Lot as part of a larger project, no rear yard shall be required, provided building walls are built of fire-retardant construction on compliance with the State of Michigan building code.
2. No accessory building shall be allowed in the required rear yard area of any lot.

*(Ord. No. 2022-04, Eff. 3-14-22)*

**D. Lot Area, Width and Depth**

One acre in area exclusive of any public right-of-way with a minimum width of (150) feet as measured at the required front setback line. Corner lots shall be a minimum of two hundred (200) feet as measured at the front setback line. All lots shall be at least one hundred fifty (150) feet deep, measured at right angles to the front lot line.

**E. Parking Area Setback**

Parking areas shall be set back a minimum of ten (10) feet from all lot lines.

**F.** (Reserved)

**G.** Lot Coverage

Buildings shall cover no more than fifty (50) percent of a lot.

**Sec. 16.07. ADDITIONAL REGULATIONS.**

**A.** Parking and loading areas – see Article 21.

**B.** Signs – see Article 22.

**C.** Site Plan Review Requirements – see Article 24.

**D.** Landscaping shall be provided in accordance with Article 21A herein.

**E.** Waste Disposal Facilities – see Section 24.06.H

**Sec. 16.08 PERFORMANCE STANDARDS.**

**A.** Land or buildings shall not be used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical disturbance; glare; liquid or solid refuse or wastes; or other dangerous or objectionable substance, condition, or element in such a manner or such amount as to adversely affect the environment or surrounding community as measured from the property line.

The following standards shall specifically apply:

1. Baffling or muffling devices or other precautionary means shall be employed with processes or operations causing objectionable noise characteristics to prevent objectionable levels when measured off the property during normal operation.

2. Operations, processes or products which, during normal operations, emit odors that are detectable at any point beyond the property from any use are prohibited.

3. Any operation which produces intense glare or heat shall be conducted only within an enclosed or screened area and in such a manner that the glare or heat emitted will not be discernible off the property line.

4. Every use shall be so conducted so that the vibration generated by the use cannot be detected off the property without the use of instruments.

**B.** All permitted and special land uses, shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading and unloading operations is permitted, subject to the following restrictions:

1. Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of a corner lot or in any required yard.

2. All storage of materials and equipment used in the business except vehicles shall be visually

screened to a height of at least six feet above the highest elevation of the nearest adjacent street or property bordering the site unless in the opinion of the Planning Commission or other approving authority the material is stored in a manner that it is not readily visible from off site or that the material is located such a substantial distance from adjacent properties and roadways that it is not a visual nuisance as seen from off site.

3. In no case shall the outside storage of materials or equipment be stacked higher than the height of the visual screen unless in the opinion of the Planning Commission or other approving authority the material is located such a substantial distance from adjacent properties and roadways that it is not a visual nuisance as seen from off site.

**Updated 11-23-13  
Ord. No. #2013-20**

**Entirely replaced  
Updated 2-6-17  
Ord. No. #2017-1**

**Updated 10-26-20  
Ord. No. #2020-5**

**Updated 12-6-21  
Ord. No. #2021-6**

**Updated 3-14-22  
Ord. No. #2022-04**

**Updated 9-5-22  
Ord. No. #2022-07**

**ARTICLE 17**  
**Reserved for future use**

**PID – Planned Industrial District**

Deleted in its entirety  
*Ordinance No. 2017-1*  
*Eff. 2-6-2017*

**ARTICLE 19**  
**FLOOD PLAIN REGULATIONS**

**Sec. 19.01 DESCRIPTION AND PURPOSE.**

The purpose of this zone is to protect all land subject to periodic inundation of flood water. The regulations contained herein:

- A. Restrict or prohibit uses which are dangerous to health, safety, or property because of their undue locations.
- B. Protect uses that are vulnerable to floods, including public facilities which serve such uses.

**Sec. 19.02 SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Charter Township of Allendale," dated July 5, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Town Hall, 6676 Lake Michigan Drive, Allendale, Michigan.

**Sec. 19.03 PERMITS REQUIRED.**

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the Charter Township or cause the same to be done without first obtaining a separate building permit for each such building or structure.

- A. Within Zone(s) A on the official flood plain map, separate building permits are required for all new construction, substantial improvements and other developments, including the placement of mobile homes.
- B. **Application.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
  - 1. Identify and describe the work for which the permit application is made.
  - 2. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will identify and definitely locate the proposed building or work.
  - 3. Indicate the use or occupancy for which the proposed work is intended.
  - 4. Be accompanied by plans and specifications for proposed construction.
  - 5. Be signed by the applicant or his authorized agent who may be required to submit evidence to indicate such authority.
  - 6. Within designated flood prone areas, be accompanied by elevations (in relation to

mean sea level) of the lowest habitable floor (including basement); or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.

- 7. Give such other information as reasonably may be required by the Zoning Administrator.
- C. The Zoning Administrator shall review all building permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. Code 1334).

**Sec. 19.04 REVIEW OF STRUCTURES.**

The Zoning Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other development(s) (as defined in Article 32 of this ordinance) shall obtain, review and utilize any reasonably available flood elevation data and Federal, State or other sources. If such data is obtained from the Federal Insurance Administration, such data shall be sufficient. Within areas designed as Zone A on the official flood plain map or any other area determined to be subject to flooding, the following performance standards shall be met:

- A. The lowest habitable floor elevation (to include basement) of new residential structures must be elevated or floodproofed to or above the regulatory flood elevation.
- B. New construction and substantial improvement of any nonresidential structure shall have the lowest floor (including basement), elevated above the regulatory flood elevation; or, together with attendant utility and sanitary facilities shall be constructed to meet the following requirements:
  - 1. be floodproofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
  - 2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - 3. be certified by a registered professional engineer or architect that the standards of the subsection are satisfied. Such certification shall be provided to the officials as set forth in Section 19.03B.6.
- C. Only construction materials and utility equipment that are resistant to flood damage may be used.
- D. Only construction methods and practices that will minimize flood damage may be used.
- E. All structures must be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due



to flooding.

- F. In regards to mobile homes specific anchoring requirements are:
  - 1. Over-the-top ties must be provided at each corner of the mobile home. Two additional ties per side at the intermediate locations shall be provided, except that mobile homes less than 50 feet long require only one additional tie per side.
  - 2. Frame ties must be provided at each corner of the home with five additional ties per side at intermediate points, except that mobile homes less than 50 feet long require four additional ties per side.
  - 3. All components of the anchoring system shall be capable of carrying a force of 4800 pounds.
  - 4. Any additions to mobile homes must be similarly anchored.
  - 5. Mobile Homes:
    - a. Mobile homes shall be anchored in accordance with Section 19.04C.
    - b. For new mobile home parks and mobile home subdivisions; expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the repair, reconstruction or improvement has commenced; and for mobile homes not

placed in a mobile home park or mobile home subdivision, require that:

- (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
  - (ii) adequate surface drainage and access for a hauler are provided; and
  - (iii) in the instance of elevation on pilings, that:
    - lots are large enough to permit steps,
    - piling foundations are placed in stable soil no more than ten (10) feet apart, and
    - reinforcement is provided for pilings more than six (6) feet above the ground level.
- c. No new or replacement mobile home shall be placed in a floodway.

**Sec. 19.05 REVIEW OF SUBDIVISIONS.**

The governing body of the Charter Township shall review all subdivision applications and shall make findings of fact and determine if:

- A. All such proposed developments are consistent with the need to minimize flood damage.

- B. Subdivision proposals for development of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals, regulatory flood elevation data.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All public utilities and facilities are located so as to minimize or eliminate flood damage.
- E. Mobile home parks and mobile home subdivisions will file evacuation plans with appropriate Disaster Preparedness authorities.
- F. Floodways:
  - 1. Lands located within areas of special flood hazard established in Section 19.02 are areas designated as floodways. Since the floodway is extremely hazardous due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
    - a. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
    - b. If Section 19.05F.1.a is satisfied, all new construction and substantial improvements shall comply with all

applicable flood hazard reduction provisions of this ordinance.

- c. No mobile homes shall be placed or replaced in the floodway.

**Sec. 19.06 NEW WATER AND SEWER FACILITIES.**

New water and sewer systems shall be constructed to eliminate or minimize infiltration by floodwaters; moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

**Sec. 19.07 INTERGOVERNMENTAL COOPERATION.**

The governing body of the charter township will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The township will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alterations or relocation of watercourse, and submit copies of such notifications to the Administrator. Moreover, the township will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

**Sec. 19.08 CONFLICTING ORDINANCES.**

This article shall take precedence over conflicting ordinances or parts of ordinances. The Township Board of Allendale Charter Township may, from time

to time, amend this article to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this ordinance are in compliance with the National Flood Insurance Program

Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.

## ARTICLE 20 SPECIAL USE PERMITS

Updated 6-12-17

### Section 20.01 PURPOSE.

The development and execution of this Ordinance is based upon the division of the Township into zoning districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special land uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and the public need for the particular use or the particular location. This Article provides the procedures, requirements and conditions for issuance of special use permits.

### Section 20.02 PERMITTED USES.

Special Land Use Designation. Those uses which may be designated as special land uses are identified under Article 3 of this ordinance (General Provisions), or are listed in the district regulations for each of the zoning districts, being Articles 5 through 18 of this ordinance. Such uses are permitted only after the Planning Commission finds that the standards of Section 20.06 will be achieved by the proposed use.

### Section 20.03 APPLICATION FOR A SPECIAL USE PERMIT.

A. Application for a special land use shall be filed with the Zoning Administrator

on the proper form supplied by the Township.

- B. The application shall be accompanied by a preliminary site plan as specified in Article 24, and any other data required by the Zoning Administrator.
- C. In addition, the applicant shall present a statement indicating how the proposed use will conform to the requirements set forth in Article 23 for the particular land use, if applicable.
- D. The application shall be accompanied by a fee to be established by resolution of the Township Board to cover the expense of public hearings.

### Section 20.04 HEARING ON APPLICATION.

*(2017-7, 6-12-2017)*

Upon receipt in proper form of the application and accompanying documents, the Planning Commission shall hold a public hearing on the proposed special land use. At least fifteen (15) days in advance of such hearing, notice shall be published in a local newspaper of general circulation and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice of public hearing must contain the following information: time and place of the hearing, description of the

property in question, the use being proposed, and when and where written comments may be accepted.

**Section 20.05 DECISION ON APPLICATION.**

Following the public hearing, the Planning Commission may deny, approve, or approve with conditions any application for a special land use. A final decision on the special land use application shall be made within 100 days of receipt of the application by the Zoning Administrator. The Planning Commission shall incorporate its decision in a statement of conclusions relative to the special land use under consideration. The statement shall specify the basis for the decision and any conditions imposed.

**Section 20.06 STANDARDS.**

No special land use shall be approved by the Planning Commission unless the Commission finds:

- A.** That the establishment, maintenance, or operation of the special land use will not be detrimental to or endanger the public health, safety, or general welfare.
- B.** That the special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values in the neighborhood.
- C.** That the establishment of the special land use will not impede the normal and orderly development and improvement

of the surrounding property for uses permitted in the district.

- D.** That adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.
- E.** That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- F.** That the special land use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in Article 23.

**Section 20.07 CONDITIONS AND GUARANTEES.**

Prior to the granting of any special land use, the Planning Commission shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Article. In all cases in which special land uses are granted, the Planning Commission shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**Section 20.08 EFFECT OF DENIAL.**

No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted

for a period of one year from the date of said order of denial.

**Section 20.09. VALIDITY OF PERMIT**

- A. A Special Land Use shall be valid commencing upon the date of approval by the Planning Commission. The permit shall be valid regardless of a change of ownership of the parcels(s) receiving the Special Land Use permit, provided that all standards and conditions are complied with by any subsequent land owner.
- B. Approval of a Special Land Use Permit is valid for a period of two (2) years unless extended as allowed herein. If actual construction of a substantial portion of improvements included in the accompanying approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the permit shall be voided.

Upon written application filed prior to the termination of the two (2) year validity period, the Planning Commission may authorize an extension of the time limit for approval of a Special Land Use Permit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one (1) year extension.

- C. If a use authorized by a Special Land Use permit ceases for a Period of two (2) years the Special Land Use permit

shall be considered to be voided and the use shall not be re-established except in accordance with the procedures in Section 20.02 herein.

The cessation of the Special Land Use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to; the establishment of a different use on the property; removal of any signs pertaining to the Special Land Use; removal, replacement or demolition of the building containing the Special land use; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the Special Land Use.

**Section 20.10 AMENDMENT TO AN APPROVED SPECIAL LAND USE**

- A. Any person owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved Special Land Use, or any conditions attached to the approval of the Special Land Use and Site Plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed change or changes are major or minor.
- B. A major change is defined as a change in the conditions of approval or a

change to the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of Section 20.06 herein.

Examples of a major change may include but are not limited to a substantial increase in the hours of operation, a substantial expansion of the land area devoted to outdoor activity, a substantial increase in the number of items displayed or stored outdoors, an increase in the intensity of the use which would substantially increase traffic or a change in the conditions of approval which may result in a substantial adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use and expanding the building containing the use if such expansion would increase the intensity of the use.

- C. Any major change shall be subject to the procedures for a new Special Land Use as set forth in the Article 20 which would require a public hearing. A minor change requested for a Special Land Use may be approved by the Planning Commission without a public hearing.
- D. If the requested changes apply only to a component of an approved site plan

which is part of an approved Special Land Use the requirements of Section 24.10 shall apply.

**Section 20.11 APPEAL.**

The applicant may appeal a decision of the Planning Commission to the Township Board if such appeal is filed in writing with the Township Clerk within fifteen (15) days of the decision by the Planning Commission. The appeal shall be related to the approval or denial of the Special Land Use permit or a condition imposed by the Planning Commission regarding the operation of the requested use such as but not limited to hours of operation or items displayed outside. The appeal shall not be related to the site plan which accompanies the Special Land Use Permit. The Township Board shall hold a public hearing on the appeal in accordance with notification requirements of Article 20 and decide the appeal on the basis of the standards provided in Section 20.06

**Section 20.12 ADDITIONAL REGULATIONS.**

- A. Nonconforming uses that are Special Land Uses - see Section 26.08.
- B. Standards for Specific Uses - see Article 23.

*Updated Nov. 23, 2013  
Ord. # 2013-21*

*Updated June 12, 2017  
Ord. # 2017-17*

**ARTICLE 21  
PARKING AND LOADING REGULATIONS**

Updated 9-1-19

**Sec. 21.01 SCOPE.**

In all Zoning Districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

**Sec. 21.02 LOCATION OF PARKING.**

The off-street parking required by this Chapter shall be provided in accordance with the following requirements.

- A. One and Two Family Dwellings:** The off-street parking facilities required for one and two family dwellings must be located on the same lot or plot of ground as the building they are intended to serve. Parking is limited to the driveway only and one additional parking lane may be allowed with approval of the Zoning Administrator.
- B. Multiple Family:** The off-street parking facilities for multi-family dwellings must be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined elsewhere in this Article. In no event shall any uncovered

parking space in a multi-family district be located nearer than ten (10) feet to any main building.

- C. Mobile Home Parks:** The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements. In no event shall any uncovered parking space in a Mobile Home Park be located nearer than ten (10) feet to any main building.
- D. Other Land Uses:** The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements and meet any other engineering standards deemed necessary by the Planning Commission.
- E. Front Yard Limitations:**
  - 1. No more than two rows of off street parking shall be located within the front yard for the following zoning districts and uses subject to the parking lot setback regulations of the Zoning District in which it is to be located. The front yard is defined as the area between the principal building and the front line across the entire width of the lot.
    - a. All commercial zoning districts.



- b. All commercial and non-residential uses allowed in a Planned Unit Development zone.
- c. All permitted non-residential uses which are located on parcels with frontage on Lake Michigan Drive (M-45).

By limiting the number of parking spaces allowed in the front yard developments will become more pedestrian friendly, create a development façade 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 township residents, and places the residents and neighborhoods ahead of the drive through vehicle traffic.

- 2. In certain circumstances the Planning Commission may allow Permitted and Special Land Uses to have more than two rows of parking between the building and the front lot line. In determining when such parking should be allowed the Commission shall consider the following criteria:
  - a. Whether the need for truck loading and unloading docks and maneuvering areas for trucks does not allow for required parking spaces to be located to the side or in the rear of the building;
  - b. Whether additional front yard parking would result in the

preservation of a natural site feature(s);

- c. Whether parking in the side or rear yard is impractical due to a wetland or steep slope or other similar natural feature.

- 3. For parcels located on a corner lot the above requirements shall only apply to that street which, in the opinion of the Zoning Administrator, carries the most traffic. For the remaining street the parking lot may be located in the front yard subject to the setback regulations of the Zoning District in which it is to be located.

**Sec. 21.03 PARKING LOT PAVEMENT REQUIREMENT.**

All parking facilities required for uses mentioned in Section 21.06 of this Chapter shall be hard-surfaced with a pavement having an asphalt or concrete binder except the following:

- A. Parking areas for non-residential uses in the agricultural and rural district are not required to be paved if none of the public roads adjacent to the site are paved.
- B. Driveways and parking areas for single family or two family dwellings or agricultural uses in the agricultural and rural district or any residential district are not required to be paved unless the dwelling is located within a platted subdivision or condominium subdivision plan or project as defined by Michigan State Act 59, 1978, as amended, in which case paving shall be required.

- C. Parking areas used temporarily for the purpose of parking cars or other vehicles to attend carnivals, short-term open air businesses, recreational activities, park-n-ride transit lots are not required to be paved.
- D. During site plan review, the Planning Commission may approve temporary exceptions to the paving requirements to accommodate project phasing or weather-related delays.

All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued.

#### **Sec. 21.04 PARKING LOT CONSTRUCTION REQUIREMENT**

The construction of any parking lot shall be in accordance with the requirements of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons

competent in such work and shall reflect conformance with the following provisions.

- A. All illumination for or on all such parking lots shall be deflected or directed away from adjacent residential areas and roadways and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day.
- B. The required front yard setback area for a multi-family project shall be maintained as landscaped green area according to the requirements of Section 21A.06 herein. In cases of difficult topography, the Zoning Administrator may allow the parking lots to extend into the front setback area provided that the average of front set back areas totals at least thirty (30) feet from any public street right-of-way. In no case shall the parking lot be any closer than ten (10) feet to a public right of way.

*Updated 7-1-18  
Ord. No. 2018-6*

- C. Parking Lots Abutting Residential Zone and Use. An off street parking lot serving a non-residential use which abuts an R-1, R-2 Zone or an R-3 Zone containing single family dwellings or an area recommended for residential land use in the Township Master Plan shall be setback a minimum of 30 feet from the lot line separating the districts or uses. However, in cases where the abutting property is master planned for commercial or industrial land use the required setback may be reduced to not less than five feet if it is determined by the Planning Commission that such reduction is not likely to adversely affect

**Article 21**

nearby residents and property. The Commission may require additional landscaping, solid fencing, a wall or other similar measures to reduce the impact of a closer parking lot on nearby residents and properties.

*Updated 2-1-16  
Ord. No. 2016-2*

**D.** Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.

**E.**

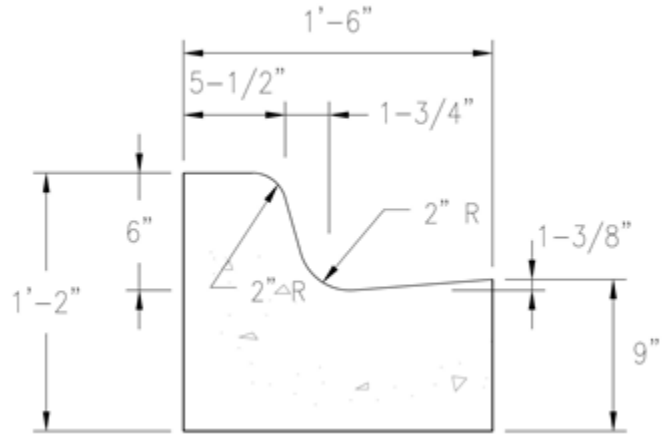
1. For all uses within the R-4, O, GC, and C-3 Districts, and for any other commercial retail, service use, or for multi-family developments, raised concrete curb and gutter shall be provided along all paved perimeters, including but not limited to, drives, parking lots, landscaped islands, and loading areas.
2. Raised concrete curb and gutter shall be provided along all paved perimeters, including but not limited to, parking and landscaped islands, in the Front Yard for uses within the Industrial District (excluding those uses permitted by Section 16.02A of this Ordinance, where Section 21.04E1 applies).
3. All parking lot perimeters within the Industrial District shall be constructed with raised concrete curb and gutter pursuant to this Section. Uses that are exempt from these requirements include loading and unloading areas, that portion of a drive located more than 250 feet from a public or private street right-of-way, and emergency drives required by the Allendale Charter

**Allendale Township Zoning Ordinance**

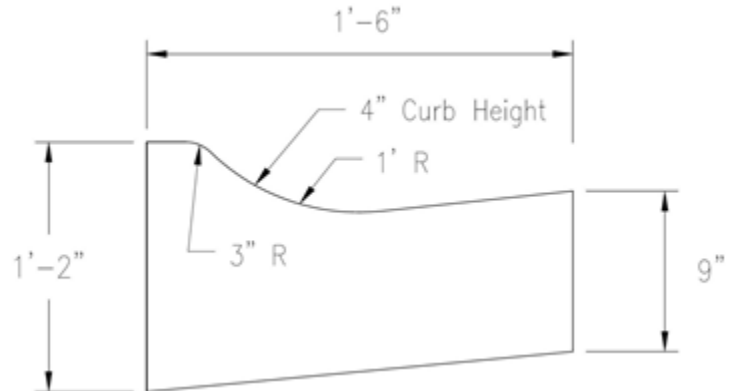
Township Fire Department for uses within the Industrial District, and non-retail or service uses such as churches, campgrounds, cemeteries, or similar uses of infrequent traffic.

4. Raised concrete curb and gutter shall contain a reveal height of at least six (6) inches and a minimum gutter width of at least twelve (12) inches. (See Figure 21-A) Where rolled curb and gutter is used, a reveal height of at least four (4) inches shall be provided. (See Figure 21-B)

**Figure 21-A**



**Figure 21-B**



*Updated 9-1-19  
Ord. No. 2019-10*

**F.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations set forth in Section 21.09

**Sec. 21.05 PARKING RESTRICTIONS.**

Off-street and on-street parking of vehicles shall be further restricted by the following requirements. After the effective date of this Ordinance it shall be unlawful for the owner, tenant, or lessee of any lot, parcel or tract of land in a residential district or within a platted subdivision or condominium subdivision plan or project as defined by the State of Michigan Condominium Act, Public Act 59 of 1978, as amended, to permit or allow the open storage or parking, either day or night, thereon of trucks with a capacity that exceeds one (1) ton, semi trucks and trailers, mobile homes, tractors, bulldozers, earth carriers, drag lines, cranes, steam shovels or any other equipment or machinery. It is provided, however, that the owner, tenant or lessee of a farm may openly store on the farm the machinery and equipment used on the farm; and it is further provided that equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be accepted from this restriction.

**Sec. 21.06 TABLE OF OFF-STREET PARKING REQUIREMENTS.**

**A.** For the purposes of determining off-street parking and loading requirements the following provisions shall apply:

1. In mercantile establishments, usable floor area (UFA) shall mean the floor

area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is carried on in a room in which service to the public is not involved.

2. Gross floor area (GFA) shall include usable floor area devoted to storage, processing, packaging, and utilities.
3. In hospitals, bassinets shall not be counted as beds.
4. Where benches, pews, or other similar seating facilities are used as seats, each twenty-four (24) inches of such seating facilities shall be counted as one (1) seat.

**B.** The amount of required off-street parking spaces by type of use shall be determined in accordance with the following tables.

USE	REQUIRED NO. OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS:
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**RESIDENTIAL**

One and two family	2	Per each dwelling unit
Multiple family and attached single family	1	1 Space per each bedroom plus ten (10%) percent of the total spaces required shall be provided as quest parking.
Mobile home parks	2	Per each mobile home unit
Boarding house	1	Per each sleeping room

**INSTITUTIONAL AND RECREATIONAL**

Churches	1	Per each four (4) seats in larges sanctuary or hall
Hospitals	1 1 1	Per each two (2) beds plus, Per staff doctor, plus Per each two (2) employees
Libraries and museums	1	Per each 400 square feet
Lodge halls, private clubs, veterans clubs	1	Per each three (3) individual members allowed within the maximum occupancy load as established by local, county or state, fire, health, or building codes.
Private tennis club, swim club, golf club, or other similar use	1	Per each two (2) member families or individuals, plus amount required for accessory uses.
Theaters, auditoriums, and assembly halls	2  1	Per each five (5) seats based on the maximum seating capacity in the main place of assembly therein, plus Per each two (2) employees
Convalescent homes, homes for the aged, nursing homes, children’s homes	1 1 1	Per each four (4) beds, plus Per each staff doctor, plus Per each two (2) employees
Stadiums and sports areas	1	Per each four (4) seats or eight (8) feet of bench

**BUSINESS AND COMMERCIAL**

Animal hospitals and kennels	1 1	Per each 400 square feet UFA, plus Per each two (2) employees
Auto salesrooms, wholesale stores, machinery sales, other similar uses	1 1	Per each 300 square UFA, plus Per each employee
Auto garages, auto repair shops, collision or bump shops, or other similar uses	1 1 2	Per each 800 square UFA, plus Per each two (2) employees computed on the basis of the maximum number of employees on duty at any one time, plus Per each stall or service area
Automobile service or filling stations	2 1 1	Per each service stall, plus Per each employee, plus Per each service vehicle
Vehicle wash establishment	1	One for each employee, plus three (3) additional spaces.
Barber shops	2	Per each barber
Beauty shops	3	Per each beauty operator
Bowling alleys	6	Per bowling lane, plus amount required for accessory uses
Dance halls, exhibition halls, pool halls, billiard parlors, and assembly halls without fixed seats	1 1	Per each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, health, or building codes, or Per each 100 square feet
Drive-in restaurants or similar drive-in uses for the sale of food, beverages, or refreshments	1	Per each 50 square feet GFA, plus Per each three (3) employees with a minimum total of 40 parking spaces
Drive-in theater	1 1	Per each outdoor speaker facility, plus Per each two (2) employees
Furniture, appliances and household equipment, repair shops, hardware stores, and other similar uses	1 1	Per each 800 square feet of UFA, plus Per each two (2) employees
Laundromat, coin operated dry cleaning establishment	1	Per each two (2) washing and dry cleaning machines
Miniature or "Par 3" golf course	2 1	Per each hole, plus Per each two (2) employees
Mortuary establishments, funeral homes, undertaking parlors	1	Per each 50 square feet of parlor area
Motels, hotels, tourist homes	1	Per each quest bedroom, plus one (1) per each employee, plus amount required for accessory uses

**Article 21****Allendale Township Zoning Ordinance**

Open air business (not otherwise provided for herein)	1	Per each 800 square feet lot area used of said business
Personal service establishment (not otherwise provided for herein)	1 1	Per each 300 square feet of UFA, plus Per each two (2) employees
Restaurants and other establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages, or refreshments	1 1 1	Per each three (3) persons allowed within the maximum occupancy load as established by local, state or county fire, health or building codes, plus Per each three (3) employees, or Per each 70 square feet UFA, plus Per each three (3) employees (whichever is greater)
Retail stores, except as otherwise specified herein	1 1	Per each 200 square feet of GFA, plus Per each three (3) employees
Roadside stands	5	Per each establishment

**OFFICES**

Banks (other than drive-in banks), post offices	1 1	Per each 200 square feet UFA, plus Per each employee
Business and professional offices	1	Per each 300 square feet GFA
Drive-in bank	4	Standing spaces per each outside teller access, plus normal requirements for banks
Medical clinic and dental clinic	4 1	Per each staff or visiting doctor, plus Per each employee

**INDUSTRIAL** *(Ord. No. 2019-5 Eff. April 14, 2019)*

Industrial or manufacturing establishments, research establishments	1	Per each 1 employee computed on the basis of the greatest number of persons employed at any one time, day or night, or
	1	Per each 1,000 square feet UFA (whichever is greater)
Warehouses and storage buildings	1	Per each 1 employee computed on the basis of the greatest number of persons employed at any one time, day or night, or
	1	Per each 1,500 square feet UFA (whichever is greater)

**Sec. 21.07 MISCELLANEOUS  
OFF-STREET PARKING PROVISIONS.**

- A.** Existing Off-Street Parking at Effective Date of Ordinance: Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.
- B.** Fractional Requirements: When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half (1/2) may be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- C.** Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed, as determined by the Zoning Administrator.
- D.** Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- E.** In the case of mixed uses in the same building, the total requirements for off-street parking and loading shall be the sum of the requirements for the separate individual uses computed separately.

- F.** Joint or collective provision of off-street parking for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.
- G.** It shall be unlawful to use any of the off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than the parking of licensed vehicles or loading or unloading of necessary service trucks.

**Sec. 21.08 OFF-STREET LOADING  
REQUIREMENTS.**

On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning, or other similar use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking areas.

Such loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of ten (10) feet by twenty-five (25) feet with fourteen (14) foot height clearance, and shall be provided according to the following schedule:



<u>GROSS FLOOR AREA IN SQUARE FEET</u>	<u>LOADING AND UNLOADING SPACES REQUIRED IN THERMS OF SQUARE FEET OF GROSS FLOOR AREA</u>
0 – 2,000	None
2,000 – 20,000	One space
20,000 – 100,000	One (1) space plus  One (1) space for each 20,000 square feet in excess of 20,000 square feet.
100,000 – 500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet.

Double count. Off-street loading space areas shall not be construed as, or counted towards, the supplying of area required as off-street parking space area.

**Sec. 21.09 MINIMUM SIZE AND ACCESS.**

All parking spaces along with parking aisles shall be designed to meet the following minimum standards: (See also Figure 21-1)

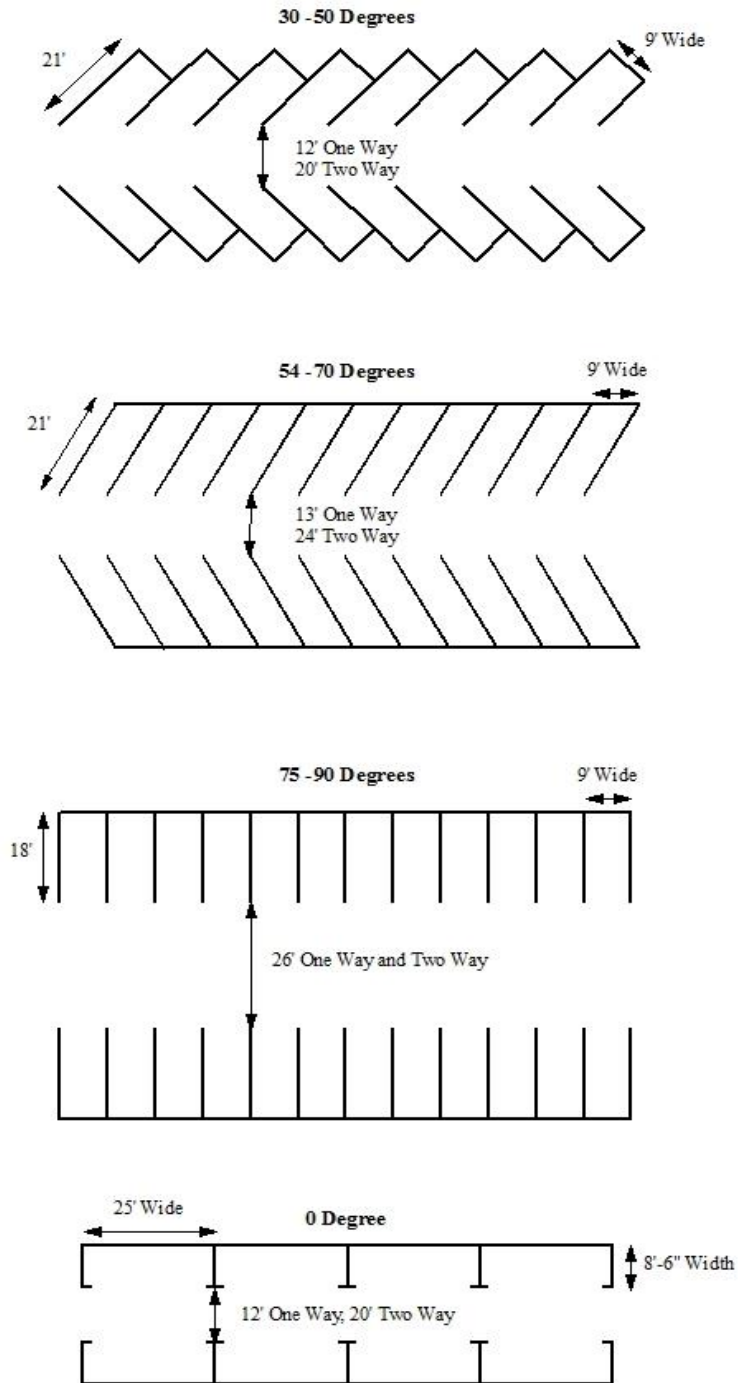
*(Ord. # 2016-11, Eff. 8-1-2016)*

Parking Pattern	Maneuvering Lane Width		Min Parking Space Width <sup>1</sup>	Min Parking Space Length <sup>2</sup>
	One Way	Two Way		
0 degree (parallel parking)	12 ft.	20 ft.	8 ft.	25 ft.
30-50 degrees	12 ft.	20 ft.	9 ft.	21 ft.
54-70 degrees	13 ft.	24 ft.	9 ft.	21 ft.
75-90 degrees	26 ft.	26 ft.	9 ft.	18 ft.

<sup>1</sup> Measured perpendicular to the longitudinal space centerline.

<sup>2</sup> Measured along the longitudinal space centerline.

FIGURE 21-1 MINIMUM PARKING LOT DE SIGN REQUIREMENTS



**Section 21.10 Deferred Parking**

In order to avoid excessive amounts of impervious surface and to allow for an opportunity to provide parking which meets the demonstrated needs of a proposed use, the Planning Commission may approve a site plan for which the applicant requests to defer installing a portion of the minimum number of parking spaces required herein according to the following requirements:

- A.** The applicant must provide written evidence to the Planning Commission that the parking proposed to be installed on the site for the proposed use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift. Such evidence may consist of:
  - 1. Arrangements for nearby shared parking;
  - 2. Evidence that the proposed use will also be patronized by pedestrians or by those using bus service;
  - 3. Evidence from the parking history of the proposed use or a use similar to the proposed use at other locations.
  
- B.** The site plan shall illustrate the location and layout of the required number of parking spaces which are being requested for deferred installation to verify that there is sufficient space on the site for the required parking to be provided if it becomes necessary at a later time.

- C.** If a site plan is approved to allow fewer parking spaces than required by Section 21.06.B above such parking plan shall only apply to the stated use. Any other use of the site shall comply with the requirements of Section 21.06.B before an occupancy permit is issued or such use shall first obtain approval from the Planning Commission in accordance with the requirements of this Section 21.10 before an occupancy permit is issued.
  
- D.** The number and location of parking spaces deferred by the Planning Commission shall be installed by the property owner if the Zoning Administrator, upon review of the parking conditions on the site, determines that the parking is needed. The Zoning Administrator shall send a written notice of the need to install the deferred parking spaces to the property owner who must install the deferred spaces within six months of the date of the letter. Failure to comply with this order shall be deemed a violation of this Zoning Ordinance and subject to the Township Civil Infraction Ordinance.

**Updated 9-7-13  
Ord. #2013-17**

**Updated 2-1-16  
Ord. #2016-2**

**Updated 8-1-16  
Ord. #2016-11**

**Updated 7-1-18  
Ord. #2018-6**

**Updated 4-14-19  
Ord. # 2019-5**

**Updated 9-1-19  
Ord. # 2019-10**

**ARTICLE 21-A**  
**LANDSCAPING REQUIREMENTS**

Created 5-4-13

Updated 9-1-19

**Section 21A.01 Purpose.**

The purpose of this Article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts between uses and along roadways. Landscaping is considered by the Township to be an important element of land development and is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township. Landscaping also serves to buffer incompatible land use, moderate harsh or unpleasant sounds, remove air pollutants, reduce the glare from vehicle headlights and separate vehicular and pedestrian circulation.

The landscape standards of this Article are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

**Section 21A.02 Applicability.**

A. The standards contained in this Article shall be applicable to any Site Plan, Special Land Use request, or PUD submitted for review and approval under this Article.

- B. The regulations of this Article shall not apply to individual single-family and two-family dwelling unit.
- C. Modification of Required Landscaping. For existing and proposed uses that require Site Plan approval to either expand or be built, landscaping shall be installed insofar as practical. The Planning Commission in its review of the Site Plan has the authority to increase, decrease or otherwise modify the requirements of this Article. In doing so, the Commission shall consider the following criteria:
1. The amount of space on the site available for landscaping.
  2. Existing landscaping on the site and on adjacent properties.
  3. The type of use on the site and size of the development.
  4. Existing and proposed adjacent land uses.
  5. The effect the required landscaping would have on the operation of the existing proposed land use.
  6. Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this Section.

**Section 21A.03 General Regulations.**

- A. To the extent feasible, the approved landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
- B. Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
- C. All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- D. 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 inches in height. Ground cover areas designed for future development shall not exceed eight (8) inches in height.
- E. 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. In particular, an underground irrigation system shall be installed and operated to serve all grass areas including grassed landscape islands, to ensure that all areas are maintained in a healthy and growing

condition. Underground irrigation systems shall comply with the requirements of Section 24.05F7.  
*(Ord. # 2019-5, Eff. 4-14-19)*

- F. For the purpose of this article, a corner lot is considered as having a front yard along each street, and the required landscaping shall be provided for both front yards.
- G. Landscaping shall be arranged so as not to obscure traffic signs, fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances. A clear space of not less than five (5) feet shall be provided in front of and completely around all fire hydrants, manholes, service boxes, and valve boxes. The clear space shall be free of all obstructions such as parked cars, landscaping at maturity, utilities, service vehicles, construction work, snow and similar items.  
*(Ord. # 2018-6, Eff. 7-1-18)*
- H. Types of trees permitted to be planted within the required landscaped areas shall include but not be limited to the following:
  - 1. Canopy trees examples: Maples, Honey Locust, Sycamore, Oak, Linden, and Callery Pear.
  - 2. Ornamental tree examples: Redbud, Hawthorn, Crabapple, Dogwood, Plum, Serviceberry.
  - 3. Evergreen tree examples: Norway Spruce, Austrian Pine, White Pine, Colorado Spruce, Hemlock.

4. Deciduous shrub examples:  
Viburnum, Euonymus, Spiraea,  
Forsythia.
  5. Evergreen shrub examples: Yew,  
Juniper, Inkberry, Arborvitae.
- I. The surface area immediately above public utilities such as water mains and sanitary sewers, shall remain clear and free from landscape plantings and other obstructions for a minimum distance of ten (10) feet from each side of the utility infrastructure.  
*(Ord. # 2018-6, Eff. 7-1-18)*
- Section 21A.04 Greenbelt Requirements.**
- A. A greenbelt shall be provided as follows:
1. Wherever a non-residential zoning district or a non-residential use in a PUD zoning districts abuts an AG, RE, Residential, MHP, a PUD Zone containing residential uses or an area recommended for residential land use in the Township Master Plan.  
*(Ord. # 2018-6, Eff. 7-1-18)*
  2. Wherever a non-residential zoning district abuts a parcel containing a residential use such as a dwelling in a Commercial or Industrial Zone.
  3. Wherever a non-residential use, such as a church, school, hospital, or governmental service building which may be allowed in a residential zone, abuts a parcel containing a residential use or a Residential, MHP or PUD Zone containing residential use or a residential land use in the Township Master Plan.
4. Wherever multi-family buildings abut an R1, R2, R3, MHP or PUD Zone containing single and two family dwellings or an area recommended for single or two family land use in the Township Master Plan. See Section 21A.05 for specific landscaping requirements.  
*(Ord. # 2018-6, Eff. 7-1-18)*
- B. The greenbelt shall be installed between the different zoning districts or uses.
- C. The greenbelt requirements of this Section shall not apply where adjacent zoning district or uses are separated by a public or private street. In such case, the front yard landscaping requirements of this Article shall apply.
- D. Width and Planting Requirements for Greenbelts.
1. A greenbelt shall be a minimum of fifteen (15) feet wide.
  2. For each 20 linear feet abutting the adjacent property, one tree shall be planted within the greenbelt. Trees shall be a mixture of evergreen, canopy and ornamental trees. Two shrubs shall be planted for each tree and each shrub shall be a minimum of thirty (30) inches at planting and reach a minimum height of five feet at maturity.
- E. Plant Spacing and Size Requirements.
1. Plant materials shall not be placed closer than eight (8) feet to a fence line or property line.

- 2. Evergreen trees shall be planted not more than 20 feet on center and shall be not less than four (4) feet in height at planting.
- 3. Ornamental trees or tree-like shrubs shall be planted not more than ten (10) feet on center and shall not be less than four (4) feet in height at planting.
- 4. Deciduous shrubs shall be planted not more than four (4) feet on center and shall not be less than thirty (30) inches in height at planting.
- 5. Deciduous trees shall be planted not more than twenty five (25) feet on center and shall not be less than two (2) inches in caliper measured at breast height at planting.

F. Front Yard Landscaping.

Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements.

- 1. For each one hundred fifty (150) feet or whole increment in length of road frontage two (2) deciduous or evergreen trees or combination thereof, two (2) ornamental trees, and three (3) shrubs for each tree shall be planted within the front yard.  
*(Ord. # 2018-6, Eff. 7-1-18)*
- 2. Earthen berms may be permitted within the required front yard landscape area. Credit of up to twenty five (25%) percent may be received against providing the required

plantings through the use of berms two (2) to three (3) feet in height.

- 3. Planting and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.
- 4. For multi-family developments which abut the front yard the landscaping requirements of section 23.06 shall apply.

G. Off Street Parking Area Landscaping Requirements.

- 1. All parking areas having twenty (20) or more parking spaces shall be landscaped according to the following minimum requirements;
  - (i) A minimum of twenty (20) square feet of landscaping for each parking space shall be provided. The required landscape area shall consist of a combination of islands within the parking lot and landscaping located on the perimeter of the parking lot outside of the street right of way. Such landscape areas shall consist of grass, mulch, ground cover shrubs, or trees and be protected from vehicle access by the installation of raised concrete curb and gutter pursuant to Section 21.04E of this Ordinance.  
*(Ord. # 2019-10, Eff. 9-1-19)*
  - (ii) Landscaping islands shall generally be placed at the end of parking rows to better define driving lanes and create safe sight lines for drivers. Where practical such islands shall also be dispersed

throughout the parking lot in order to break up large expanses of paved surfaces and provide areas for shade trees. Each landscape island shall be a minimum of six (6) feet wide and shall contain at least one (1) canopy tree.

Landscape islands containing a fire hydrant shall be at least ten (10) feet wide.

- (iii) One (1) canopy or ornamental tree for every twenty (20) parking spaces, with a minimum of two (2) trees, shall be planted adjacent to and within the parking area.

2. In addition to the front yard landscaping requirements of this Section, except for multi-family projects pursuant to Section 23.06 herein, all front yard parking areas shall be screened from view from the road right-of-ways by the following measures:

- (i) A continuous landscaped hedge with a minimum height of twenty-four (24) inches at planting with a minimum height of three (3) feet at maturity consisting of plant material that will maintain its green foliage year round along the entire length of the parking area or;
- (ii) A solid wall not less than three (3) feet high which shall consist of brick, block, stone, or materials similar to the exterior materials of the building on the site or;
- (iii) A combination of (i) and (ii) above.

3. Landscaping that is required for green belts and front yard landscaping and which abuts off-street parking areas

may substitute for up to fifty (50%) percent of the required parking lot landscaping.

- 4. Trees shall be located to prevent damage by motor vehicles.
- 5. All parking lot landscaped areas shall be located so as not to impede drainage or traffic circulation.  
*(Ord. # 2018-6, Eff. 7-1-18)*

H. Berms, Walls, and Fences.

1. If a berm is used for all or part of the greenbelt, required plant material quantities may be reduced by twenty five (25%). The berm shall comply with minimum standards contained in the Article. All plant materials shall be placed along the top and exterior side slope of the berm. The greenbelt width shall be increased as needed to accommodate maximum berm side slopes of one (1) foot vertical rise to three (3) feet horizontal.

- 2. A screen wall or solid fence may be used for all or part of the greenbelt. If a solid fence or screen wall is used, the following regulations shall apply.
  - (i) Required quantities of plant materials may be reduced by fifty (50%) percent for that area abutting the fence or wall.
  - (ii) The fence or wall shall comply with the applicable regulations of the Ordinance.

3. Minimum Standards for Berms

- (i) Wherever a berm is used to meet the minimum requirements of this



Article, it shall have a maximum height of five (5) feet above grade.

- (ii) Berms shall be constructed so as to maintain side slopes not to exceed a one (1) foot vertical rise to three (3) feet horizontal ratio.
- (iii) Berm areas shall be covered with grass or other living ground cover.
- (iv) Berms shall be constructed so as not to negatively affect drainage patterns on adjacent properties.

I. Stormwater detention/retention areas shall be permitted within greenbelts provided they do not reduce the screening effect.

J. Solid waste dumpsters may be located in greenbelts, provided they comply with the screening requirements contained in Article 24 herein.

#### **Section 21A.05 Drive-up, Drive-in, and Drive-through Restaurants.**

Drive-up windows and waiting areas for any terminal or intercom must be screened from adjoining properties and road rights-of-way by internal landscaping such as landscaped islands or other appropriate year around screening.

*(Ord. # 2018-6, Eff. 7-1-18)*

#### **Section 21A.06 Townhouse Developments, Mobile Home Development Sites Designed for Twenty-Five (25) or More Dwelling Units, or Other Major Residential Developments.**

All development sites must maintain a minimum fifty (50) foot wide front yard landscaped setback from all existing or proposed public streets or private roads, and a minimum twenty-five (25) foot wide

landscaped setback from all adjoining properties. All landscaped setback areas shall include a twenty (20) foot wide planting strip containing, at a minimum, all of the following:

1. All multi-family dwelling development sites shall provide a landscaped area as noted below. All such landscaped areas shall comply with the requirements of Section 21A.06.2 and 3 herein.

a. Front yard.

A minimum one hundred (100) foot wide landscaped front yard if the multi-family dwelling development is across the street from an R-1 zoned parcel or parcels or land which is recommended for Low Density Residential use in the Allendale Charter Township Master Plan.

b. Side and rear yards.

1) A minimum one hundred (100) foot wide landscaped area shall be provided along those side and rear lot lines which abut R-1 zoned parcels or land which is recommended for Low Density Residential use in Allendale Charter Township Master Plan.

2) A minimum fifty (50) foot wide landscaped area shall be provided along those side and rear lot lines which abut parcels which are not zoned R-1 and which contain existing single or two family dwellings.

3) A minimum twenty-five (25) foot wide landscaped area shall be provided along for all other side and rear lot line.

2. The required yard areas above shall be landscaped according to the following requirements:
  - a. At least one straight or staggered row of trees with a minimum caliper of two (2) inches and a minimum height of six (6) feet at the time of planting and spaced not more than twenty (20) feet apart. Not more than one third (1/3) of the trees shall be of the same species and type. At least one half (1/2) of the trees shall create an evenly spaced visual buffer year round.
  - b. The number of shrubs required shall be a minimum of one half (1/2) of the number of trees required. At least two thirds (2/3) of the shrubs shall be at least three (3) feet high at the time of planting, spaced not more than eight (8) feet apart and which are expected to ultimately grow to be at least eight (8) feet in height.
3. All landscaped setbacks shall be free from encroachment from buildings, structures, decks, accessory structures, trash enclosures, water ponds, detention or retention areas, recreational facilities and fields, pedestrian or bicycle trails, parking and/or loading areas.
4. Multifamily buildings shall be oriented or constructed so that open balconies do not face abutting R-1 zoning districts even if the R-1 zone is across a public or private street or areas recommended for Low Density Residential use in the Allendale Charter Township Master Plan in order to limit the noise impact on nearby single family residents.
5. The applicable requirements of Article 21A herein shall apply to the above landscaping including Section 21A.02.C

which allows modification of these landscaping requirements.  
*(Ord. # 2018-6, Eff. 7-1-18)*

**Created 5-4-2013**  
**Ord. No. #2013-2**

**Ord. No. #2018-6**  
**Effective 7-1-18**

**Ord. No. #2019-5**  
**Effective 4-14-19**

**Ord. No. #2019-10**  
**Effective 9-1-19**

## ARTICLE 22 SIGNS AND BILLBOARDS

UPDATED 1-09-2017

### **Sec. 22.01 GENERAL PROVISIONS**

**A. Purpose and Intent.** This Article is intended to regulate the size, number, location, and manner of display of signs in the Township consistent with the following purposes.

1. To protect and further the health, safety, and welfare of residents, property owners, and visitors.
2. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
3. To conserve and enhance community character.
4. To promote uniformity in the size, number, or placement of signs within zoning districts.
5. To promote the economic viability of commercial areas by minimizing visual clutter, and allow for placement of signs to safely direct motorists to their destination.
6. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the communication rights of businesses and other non-business uses.
7. To recognize that special circumstances or events may create a need for temporary signage for a limited and reasonable period of time.
8. The purpose of this Article does not include the regulation of the content or any information included on the sign.

**B. Substitution Clause.** Signs which contain non-commercial speech are permitted anywhere that advertising or business signs are permitted subject to the same regulations applicable to such signs. The owner of any sign which is otherwise allowed by the Article may substitute non-commercial language in lieu of any other commercial or non-commercial language. This substitution may be made without any additional approval or permitting. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message.

### **Sec. 22.02 DEFINITIONS**

**A. Commercial Establishment:** A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building a business holding itself out to the public as a single entity, independent of other businesses or persons.

**B. Directional Sign:** A sign used primarily to give information about the location of either the driver of motorized vehicles or possible destinations. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision free flow of traffic.

**C. Electronic Reader Board/Digital Display Sign:** A sign or portion thereof that displays electronic, digital, pictorial, or text information in which alphanumeric characters, graphics, or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Such signs can include computer programmable, microprocessor controlled electronic displays, and video display signs.

**D. Festoons:** A chain or garland of flowers, leaves, or ribbons, hung in a curve as a decoration.

**E. Government Sign:** A sign erected, permitted by, or required to be erected by a government agency.

**F. Ground Sign:** A freestanding sign supported by a base or foundation which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign in order to be a ground sign.

**G. Identification Sign:** A sign intended to communicate information about services and facilities. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.

**H. Illuminated Sign:** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with the sign, or a

sign illuminated by a light shielded so that no direct rays from it are visible from any public right-of-way or from the abutting property.

**I. Inflatable Sign:** Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure, product, or product trademark, whether or not such object contains a message or lettering.

**J. Mansard:** A sloped roof or roof-like façade architecturally comparable to a building wall.

**K. Mansard Sign:** A sign that is mounted, painted on, or attached to a mansard.

**L. Manual Sign:** A sign on which the letters or pictorials are changed by hand.

**M. Multi-Vision Sign:** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.

**N. Mural:** A design or representation painted or drawn on a wall.

**O. Pennant:** A flag or cloth that tapers to a point.

**P. Permanent Sign:** A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.

**Q. Projecting Sign:** A display sign which is attached directly to the building wall that extends more than 15 inches from the face of the wall and projects in such a way that the message is not parallel to the wall to which it is attached.

**R. Roof Line:** The top of a roof or parapet wall, whichever is higher, but excluding any

cupolas, chimneys, or other minor projections.

**S. Roof Sign:** A sign erected above the roof line of a building.

**T. Rotating Sign:** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.

**U. Sidewalk Sign:** An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises. This may also be called a “Sandwich Board Sign.”

**V. Sign:** A device, structure, fixture, or placard that is intended for purposes of attracting attention.

**W. Streamers:** A long, narrow strip of material used as a decoration or symbol.

**X. Temporary Sign:** A sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs, and any other signs displayed for a limited period of time.

**Y. Traffic Warning Sign:** A sign that indicates a hazard ahead on a road that may not be readily apparent to a driver, bicyclist, or pedestrian. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.

**Z. Video Sign:** A sign which displays moving images as on a television screen.

**AA. Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

**BB. Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

### **Sec. 22.03 SIGNS PROHIBITED**

A sign not expressly permitted by this Article is prohibited. Specifically, the following types of signs are expressly prohibited:

**A.** Any sign, including window signs, which have flashing, moving, oscillating, scrolling or blinking lights. This prohibition excludes electronic reader boards and digital display signs, which are permitted.

**B.** Roof signs except as allowed by Section 22.12.D.5

**C.** Pennants, streamers, and festoons.

**D.** Rotating signs.

**E.** Searchlights, laser lights, strobe lights, and lights of a similar nature.

**F.** Signs which are spray painted, unpainted plywood, particle board, or similar material.

**G.** Signs maintained by or for services, businesses, attractions, activities, lessors, owners that are no longer in operation shall not be permitted. A sign that remains after the operation ceases shall be considered abandoned and the sign face shall be removed or replaced with a blank face within 60 days after written notification from the Township to the sign owner, the property owner where the sign is located, or any other party having control over the sign.

**H.** A sign using the words “stop,” “danger,” or other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse a vehicle driver. Although this is a content-based distinction, these signs must be prohibited to prevent

public confusion, risks to safety, and traffic collisions.

**I.** Any sign placed within the right-of-way or alley, except as expressly permitted by the Ottawa County Road Commission, Michigan Department of Transportation, or the Township Board.

**Sec. 22.04 EXEMTP SIGNS**

The following signs shall be exempt from the provisions of this Article. However, Sections 22.06 and 22.08 shall apply to all signs, including those listed below.

**A.** Signs which are 1.5 square feet or less in area. No more than one such sign shall be allowed for every 10 lineal feet of road frontage per parcel. Signs located within the required front yard shall be at least 10 feet apart.

**B.** Directional, identification, traffic warning, or government signs, provided the size of each sign does not exceed four square feet and three feet in height and each sign is located at least five feet from any lot line.

**C.** Flags of any nation, state, city, township, government, government authorized agency, or educational institution.

**Sec. 22.05 Permits**

**A.** A sign permit shall be required for the erection and construction of all permanent signs except those exempted by Section 22.04.

**B.** A sign permit shall be required for all temporary signs exceeding 20 square feet. The permit shall specifically state a date or a timeframe by which a temporary sign must be removed.

**C.** A sign permit is not required for ordinary maintenance of signs such as painting,

cleaning, light replacement, or alteration of sign message.

**D.** An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:

1. Name, address, and telephone number of applicant and the person, firm, or corporation erecting the sign.

2. Address or permanent parcel number of the property where the sign will be located.

3. A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.

4. An accurate drawing to scale of the plans and specifications, method of construction and attachment to structures or ground. If required by the Township Zoning Administrator, the applicant shall provide engineered stress sheets (sealed plans) and calculations showing that the structure is designed according to the requirements of the Township Building Code for wind load restrictions.

5. Any required electrical permit shall be attached to the application.

6. The zoning district in which the sign is to be located.

7. Any other information which the Township Zoning Administrator may require in order to demonstrate compliance with this Article.

8. Signature of applicant or person, firm, or corporation erecting the sign.

9. For temporary signs which require a permit, the permit shall designate the days on which the sign may be displayed.

**E.** The Township Zoning Administrator shall issue a sign permit if all provisions of this Article and other applicable Township regulations are met. A sign authorized by a permit shall be installed within six months of the date of issuance of the sign permit or else the permit shall expire. In the case of an expired permit, a new permit may be issued upon filing of a new application and fee.

**Sec. 22.06 REQUIREMENTS FOR ALL SIGNS**

- A.** All signs including signs which do not require a permit are subject to the requirements of this Section, Section 22.08, and all other applicable requirements of this Ordinance.
- B.** All signs including supports and structural members shall be properly maintained as originally approved and shall not be allowed to become unsightly or a safety hazard through disrepair or as a result of the weather.
- C.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.
- D.** Signs may be internally or externally illuminated. The source of the light shall be fully shielded and directed to prevent the source of light from shining directly at traffic or onto adjoining property.
- E.** A light pole, utility pole, or other support structure not specifically designed as a sign support structure, shall not be used for the placement of any sign unless specifically approved for such use.

**F.** A sign shall not, in the opinion of the Township Zoning Administrator, interfere with or obstruct the view of drivers or those on foot or bicycle, or create any type of safety hazard or distraction to drivers.

**G.** A sign shall not by reason of its position, shape, color, or other characteristic, interfere with, obstruct, cause confusion with an official traffic sign, signal, or device, or constitute a nuisance per se.

**H.** A wall sign shall not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.

**I.** A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.

**J.** A window sign may consist of illuminated letters including neon lights.

**K.** Unless otherwise specifically stated in Article 12 regulating PUDs and/or included in an approved PUD Development Plan, signs for uses or buildings located in the PUD District shall be subject to the sign limitations allowed for buildings or uses of a similar type built in the respective zoning districts.

**L.** To assist emergency personnel in case of an emergency, all on-site signs identifying a building or specific use shall have displayed thereon the address number of the property on which the building or use is located. The address number shall be displayed in a block text having a minimum height of four inches and a color that contrasts with the color of the background on which the address number is displayed.

**Sec. 22.07 ELECTRONIC READER BOARDS/DIGITAL DISPLAY SIGNS**

**A.** Electronic reader boards are allowed only as ground signs as follows:

1. In the R-3, R-4, GC, and industrial zoning districts and in any PUD zoning districts where the principal use is commercial, industrial, or multi-family;
2. On any parcel with frontage on M-45/Lake Michigan Drive, containing a non-residential or multi-family use; and
3. In all other zoning districts only by the granting of a Special Land Use permit in accordance with the requirements and procedures of Article 20.

**B. Electronic reader boards shall comply with the following regulations:**

1. An electronic reader board shall not consist of more than 75% of the allowable sign area except for signs which are 32 square feet or less in area.
2. The dwell time, defined as the interval of change between each individual message, shall be at least six seconds and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less to change the message.
3. An electronic reader board shall not have any flashing, blinking, scrolling, alternating, sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/fade-out, oscillating, moving text or images, or simulated movement of text or images.
4. An electronic reader board shall not exceed a maximum illumination 6,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk to dawn as measured at the sign's face at maximum

brightness. However, even if the sign complies with the illumination requirements above, the sign shall not be of such intensity or brilliance as to impair the vision of or be a distraction to a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle; or be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

5. Prior to the issuance of a sign permit for an electronic reader board, the applicant shall provide to the Township Zoning Administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this Section.
6. An electronic reader board shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.
7. An electronic reader board sign shall not have a white background in order to reduce glare.
8. An electronic reader board is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in this Article. Any flashing or strobe type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.
9. Electronic reader boards legally in existence upon the effective date of this Article shall be required to comply with the illumination requirements of this Article and the requirements of Section 22.03 regarding flashing, movement,



scrolling, and other methods of message display within 60 days from the effective date of this Article.

10. Any premises or parcel on which a changeable message sign is located may also display a temporary sign in accordance with the requirements of this Article.

#### **Sec. 22.08 SIGN MEASUREMENT**

**A.** The area of a sign is the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed. Where a sign has two or more faces, the combined area of all faces shall be included in determining the area of the sign, except that where two faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face. In the case of a sphere, the total area of the sphere is divided by two for purposes of determining the maximum permitted sign area.

**B.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

#### **Sec. 22.09 REGULATIONS FOR TEMPORARY SIGNS**

**A.** A temporary sign may be installed concurrent with the event or occurrence and removed upon the end of the event. The Zoning Administrator shall have the

discretion to determine the beginning and end date of the event.

**B.** The Zoning Administrator shall have the discretion to determine when a temporary sign is a permanent sign and subject to the rules for permanent signs.

**C.** Permits are required for temporary signs that exceed 20 square feet in size. The permit shall designate the days on which the sign may be displayed. Display of the sign on any day other than those days designated on the permit shall be a violation of this Section.

**D.** A temporary sign permit may be issued as part of and in conjunction with a building permit. The sign permit issuance shall be noted on the building permit.

**E.** The size and number of temporary signs allowed shall be as specified within each zoning district provided in Sections 22.10 through 22.13.

**F.** Signs shall be anchored in a safe and secure manner. The anchoring of signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.

**G.** The sign shall be located a minimum of five feet from the edge of any road or street right-of-way or public or private sidewalk except for sandwich board signs as regulated herein.

**H.** A sign shall not be displayed if it is torn, bent, faded, not upright, unreadable, or otherwise unsightly.

**I.** Temporary signs held by a person shall not be displayed in the road right-of-way and shall not hamper the visibility of a driver on or off the site.

**J.** Temporary signs shall only be internally illuminated.

K. An electronic reader board/digital display sign may serve as a temporary sign and shall comply with the requirements of Section 22.07.

**Sec. 22.10 SIGN REGULATION FOR THE AGRICULTURAL AND RUARL ESTATE ZONING DISTRICTS**

The following signs are permitted in the Agricultural and Rural Estate Zoning Districts:

A. One permanent ground sign per parcel not to exceed 16 square feet and six feet in height.

B. The following signs are permitted per parcel as part of an application for and approval of a Special Land Use permit according to the following requirements:

- 1. One permanent ground sign as follows:
  - a. One per parcel not to exceed 50 square feet in area.
  - b. The height of a ground sign shall be between three feet and 10 feet.
  - c. The sign shall be setback a minimum of 25 feet from the front lot line except as permitted by Section 22.16.
  - d. The sign may be illuminated.

2. Each use shall also be permitted to have one wall sign per public or private street frontage as follows:

- a. The sign shall not exceed 50 square feet in area.
- b. The wall sign shall be place on that side of the building which directly faces the street.
- c. All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot. No

wall sign shall project above or beyond the roof or parapet to which it is attached.

d. A wall sign may be internally illuminated.

C. For parcels with frontage on M-45/Lake Michigan Drive, one permanent ground sign in accordance with Section 22.10(B).

D. Temporary signs are permitted as follows:

- 1. Temporary Signs are permitted, provided that the square footage of a single sign or the total square footage of all temporary signs shall not exceed 32 square feet.
- 2. Temporary signs shall comply with the requirements of Section 22.09.

E. Additional Signs. One or two permanent ground signs may be provided at each entrance to a subdivision, condominium or mobile home park. The area of one sign shall not exceed 32 square feet, and the total area of two signs shall not exceed 48 square feet. The sign must be setback at least 25 feet from the right-of-way line of any arterial or collector street and at least five feet from a local street. No sign shall exceed six feet in height.

**Sec. 22.11 SIGN REGULATIONS FOR THE R-1 AND R-2 ZONING DISTRICTS**

The following signs are permitted in the R-1 and R-2 Zoning Districts:

A. The following signs are permitted per parcel as part of an application for and approval of a Special Land Use permit according to the following requirements:

- 1. One permanent ground sign as follows:
  - a. One per parcel not to exceed 50 square feet in area.

- b. The height of the sign shall be between three feet and 10 feet.
  - c. The sign shall be setback a minimum of 25 feet from the front lot line except as permitted by Section 22.16.
  - d. The sign may be illuminated.
2. Each use establishment shall also be permitted to have one wall sign per public or private street frontage as follows:
- a. The sign shall not exceed 50 square feet in area.
  - b. The wall sign shall be placed on that side of the building which directly faces the street.
  - c. All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot. No wall sign shall project above or beyond the roof or parapet to which it is attached.
  - d. A wall sign may be internally illuminated.
- B.** Temporary signs are permitted as follows:
- 1. Temporary Signs are permitted, provided that the square footage of a single sign or the total square footage of all temporary signs shall not exceed 16 square feet.
  - 2. Temporary signs shall comply with the requirements of Section 22.09.
- C.** Additional Signs. One or two permanent ground signs may be provided at each entrance to a subdivision, condominium or mobile home park. The area of one sign shall not exceed 32 square feet, and the total area of two signs shall not exceed 48 square feet. The sign must be setback at least 25 feet from the right-of-way line of any arterial or

collector street and at least five feet from a local street. No sign shall exceed six feet in height.

**Sec. 22.12 SIGN REGULATIONS FOR THE R-3 AND R-4 ZONING DISTRICTS**

The following signs are permitted in the R-3 and R-4 Zoning Districts:

**A.** One permanent ground sign **OR** wall sign as follows:

- 1. Ground Sign:
  - a. The ground sign shall not exceed 50 square feet in area.
  - b. The height of the sign shall be between three feet and 10 feet.
  - c. The sign shall be setback a minimum of 25 feet from the front lot line except as permitted by Section 22.16.
  - d. The sign may be illuminated.
- 2. Wall Sign:
  - a. The sign shall not exceed 48 square feet in area.
  - b. The wall sign shall be placed on that side of the building which directly faces the street.
  - c. All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot. No wall sign shall project above or beyond the roof or parapet to which it is attached.
  - d. A wall sign may be internally illuminated.

**B.** For parcels with more than one principle building a ground sign or wall sign is permitted for each building. Such sign shall not exceed 24 square feet in size and may be illuminated. A ground sign shall not exceed six feet in height.

**C.** Temporary signs are permitted as follows:

1. Temporary signs are permitted, provided that the square footage of a single sign or the total square footage of all temporary signs shall not exceed 64 square feet and eight feet in height with no single sign being larger than 32 square feet.
2. Temporary signs shall comply with the requirements of Section 22.09.

**D.** In addition to the temporary signs allowed by subsection C of this Section, two separate temporary sign permits per parcel per calendar year may be issued for temporary signs which exceed 24 square feet in size and eight feet in height. For each such permit issued the following regulations shall apply:

1. The sign or signs shall be displayed for no more than 15 days for each permit issued.
2. More than one sign may be displayed.
3. The total area of all signs or a single sign shall not exceed 100 square feet except that inflatable signs may exceed 100 square feet in size as permitted by Subsection D.5 of this Section below.
4. For that month during which the above 15-day permit is utilized no other temporary signs shall be displayed.
5. An inflatable sign shall only be displayed as a sign allowed by this Section and in compliance with the following regulations:
  - a. An inflatable sign may exceed 100 square feet in area but shall not exceed a height of 20 feet as measured from the highest part of the sign to the point of contact with the ground, structure or building;

- b. An inflatable sign may be placed on a roof or the top of a structure;
- c. An inflatable sign shall touch and be in contact with the ground, the structure or the building to which it is attached; inflatable signs which float in the air are prohibited; and
- d. The method of attaching or securing an inflatable sign must be approved by the Township Zoning Administrator as part of the sign permit process.

**Sec. 22.13 SIGN REGULATIONS FOR THE GENERAL COMMERCIAL ZONING DISTRICT**

The following signs are permitted in the General Commercial Zoning District:

**A.** One permanent ground sign as regulated by Table 1 of this Article.

**B.** Where two or more businesses are located in the same building or on the same lot, signage for each business shall be combined on one sign. The maximum sign area shall be 50 square feet for the first zero to 100 feet of lot frontage on a public or private roadway. The sign area shall not exceed 100 square feet as provided in Table 1.

**C. Wall Sign.** Each commercial establishment shall be permitted a single wall sign on each wall that fronts on a public or private street as follows:

1. The maximum sign area permitted is based on the total building wall length fronting a public and/or private street as provided in Table 2. In the case of a corner lot the square footage of sign area is based on one-half the total building wall length fronting all streets or the building wall length fronting a single

individual street, whichever is the greatest.

2. All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot. No wall sign shall project above or beyond the roof or parapet to which it is attached.

3. A wall sign may be internally illuminated.

**D. Temporary signs are permitted as follows:**

1. Temporary signs are permitted provided that the total square footage of all temporary signs shall not exceed 64 square feet and eight feet in height with no single sign being larger than 32 square feet.

2. Temporary signs shall comply with the requirements of Section 22.09.

3. Sidewalk signs are subject to the following regulations:

a. One sign is permitted for each public entrance to the use or commercial establishment.

b. The sign shall not exceed eight square feet per side and no more than four feet in height.

c. Signs shall be placed directly in front of the use or commercial establishment using the sign but no more than five feet from the public entrance doorway. The sign shall not be placed in a designated parking space or in a manner which obstructs pedestrian circulation or interferes with the opening of doors or parked vehicles and buildings.

d. The sign shall not be lighted.

e. The sign shall not be displayed during non-business hours.

**TABLE 1. COMMERCIAL ZONE GROUND SIGN LIMITATIONS**

Lot Frontage for Ground Signs	Minimum Setback (feet)	Maximum Height (feet)	Maximum Area – with one business (square feet)	Maximum Area with multi-businesses (square feet)
0 – 60 feet	10	10	32	50
61 – 100 feet	10	10	40	50
101 or more feet	10	10	50	100

**TABLE 2. COMMERCIAL ZONE – WALL SIGN LIMITATIONS**

Establishment size in lineal feet of building fronting on a public street.	Maximum signage
0 feet - 50 feet	1 1/2 square feet of sign area per lineal foot of building
51 feet - 100 feet	75 square feet plus 1 additional square foot of sign area for each lineal foot of building in excess of 50 feet
greater than 100 feet	125 square feet plus .5 additional square feet of sign area for each lineal foot of building in excess of 100 feet.

**Sec. 22.14 SIGN REGULATIONS FOR THE INDUSTRIAL ZONING DISTRICT**

The following signs are permitted in the Industrial Zoning District:

- A. One permanent ground sign as follows:
  - 1. One per parcel not to exceed 48 square feet in area.
  - 2. The height of the sign shall not exceed 10 feet.
  - 3. The sign shall be setback a minimum of 15 feet from the front lot line.
  - 4. The sign may be illuminated.
- B. Wall Sign. The area of a sign shall not exceed two percent of the total area of the wall to which it is attached or a maximum area of 100 square feet. Such signs shall be permanently attached to or constructed as part of the building or erected on a marquee, and they shall not extend above the roof line of the building to which they are attached.
- C. Temporary signs are permitted as follows:
  - 1. Temporary signs are permitted, provided that the total square footage of all temporary signs on the lot shall not exceed 64 square feet and eight feet in

height with no single sign being larger than 32 square feet.

- 2. Temporary signs shall comply with the requirements of Section 22.09.

**D. Additional Signs.** One ground sign may be provided at each entrance to an industrial park. The area of the sign shall not exceed 32 square feet and six feet in height. The sign must be setback at least 15 feet from the right-of-way line.

**Sec. 22.15 NON-CONFORMING SIGNS**

**A. Intent.** It is the intent of this Article to encourage eventual elimination of signs that, as a result of the adoption of this Article, become non-conforming. It is the intent, therefore, to administer this Article to realize the removal of illegal non-conforming signs while recognizing the established rights of private property owners.

**B. Continuance.** A non-conforming sign may be continued, and shall be maintained in good condition. A non-conforming sign may receive normal maintenance, and its message may be changed, but shall not be:

1. Replaced by another sign, except one that conforms to the provisions of this Article.
2. Structurally altered so as to prolong the life of the sign.
3. Expanded or relocated.
4. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost.

**C. Removal.** A non-conforming sign shall be removed:

1. If it has been abandoned.
2. In connection with the redevelopment of the property or expansion of the existing use or building by 25% or more.
3. If required by the Planning Commission in connection with approval of a Special Land Use Permit for the property.

**Sec. 22.16 SIGN SETBACK  
REGULATIONS ON M-45/LAKE  
MICHIGAN DRIVE**

For all lots on M-45/Lake Michigan Drive which meet the minimum frontage requirements of the zoning district in which the lot is located, ground signs as permitted by that zoning district shall comply with the minimum setback requirements as contained in Table 1 of this Article.

Updated Jan. 9, 2017  
Ord. No. 2016-18

**ARTICLE 23**  
**STANDARDS FOR SPECIFIC USES**

Updated 9-5-22

**Sec. 23.01 DESCRIPTION PURPOSE.**

The purpose of this Article is to establish supplementary standards to guide the review of certain kinds of uses which, because of their characteristics may have a detrimental effect upon adjacent properties, the neighborhood, or the community even if all other standards within this Ordinance are met. It is the intent of these standards to provide for proper design control to assure that these uses will not cause any unanticipated problems or hazards and will be consistent with the Development Plan. It is further intended through these standards to recognize the importance of such uses by anticipating their locational and site design needs and by establishing appropriate standards for their development in advance of actual proposals.

**Sec. 23.02 STANDARDS RELATING TO ANIMALS.**

**A. Residential and Rural Estate Districts.**

Domesticated Animals – The keeping of pet animals is permitted in any residential and rural estate district, subject to the following conditions:

1. Multiple family dwellings, townhouse dwellings, attached condominium dwellings, and mobile homes in mobile home parks are permitted any combination of dogs and cats up to a maximum of two animals per dwelling unit.
2. All other dwellings are permitted any and all of the following domesticated animals on each lot, with no minimum lot area up to two (2) acres in area are permitted up to four (4) of any combination of the following animals:
  - a.) Dogs
  - b.) Cats
  - c.) Cooped chickens,
  - d.) Penned ducks, geese, turkey or similar fowl,
  - e.) Penned rabbits or other small domestic animals of similar size at maturity,
  - f.) Caged domestic birds provided they are penned at least fifteen (15) feet away from adjacent property.
3. In addition to the above, for each additional acre or fraction thereof over (2) two acres the following animals are permitted:
  - a.) Large hooved animal: (cow, horse, mule or donkey), limit one such animal,
  - b.) small hooved animals (sheep, goat, pony or swine), limit two such animals,
  - c.) poultry, fowl, rabbits or other small domestic animals of similar size at maturity, limit 10.
4. Animal raising- Animal husbandry and the keeping of farm animals accessory to farms or dwellings shall be permitted in accordance with



usual and customary farming practices.

The minimum lot size for the keeping or raising of any farm animals in excess of the limits of paragraph A above shall be five (5) acres in accordance with usual, customary and best management farming practices.

**B. Agricultural District**

The keeping of pet animals is permitted in any agricultural district subject to the following conditions.

1. Any lot one (1) acre or less in area located in the Agricultural district is permitted the following farm animals:
  - a.) Large hooved animal: (cow, horse, mule or donkey), limit one such animal;
  - b.) small hooved animals: (sheep, goat, pony or swine), limit two such animals;
  - c.) poultry, fowl, rabbits or other small domestic animals, limit 10.
2. For each additional acre of lot area or fraction thereof,
  - a.) one additional large hooved animal,
  - b.) two additional small hooved animals,
  - c.) 10 additional poultry, fowl, rabbits or other small domestic animals are permitted.
3. Animal raising- Animal husbandry and the keeping of farm animals accessory to farms or dwellings shall be permitted in accordance with

usual and customary farming practices. The minimum lot size for the keeping or raising of any farm animals in excess of the limits of paragraph A or B above shall be five (5) acres in accordance with usual, customary and best management farming practices.

- C. Property rented to a farm owner and available for the keeping of animals may be counted in the lot area requirements of paragraphs A or B, above.
- D. Except for movement on and off the property, animals shall not be kept inside or outside of any structure within 50 feet of the those portions of any structure used for human occupancy, assembly, or habitation in any zone, other than the owner or keeper of such animals. These separation requirements do not apply to pet animals.
- E. Offspring of animals are allowed and shall not be counted until they are of weanable and self-sufficient age. Dogs and cats shall be counted at six months of age or more.
- F. The keeping or raising of exotic or wild animals, whether as pets or otherwise, shall be permitted by special use permit only. The procedures and standards of Article 20 shall be followed.

**Sec. 23.03 AUTOMOTIVE USES.**

Gasoline service stations, auto repair and services, vehicle and freight terminals, and auto and vehicle dealerships are subject to the following standards:

**A. Gas Stations.** Any use involving the retail sale of gasoline must comply with the following standards:

1. A gas station shall be located on a parcel which abuts a collector or arterial street. The parcel shall have at least 200 feet of frontage for each abutting street as measured along the front lot line of the abutting street.
2. No more than two gas stations shall be located at any street intersection in order to reduce the number of driveways and turning movements and to minimize the potential for vehicle accidents. The minimum distance between gas stations not located at the same intersection shall be a minimum of 500 feet.
3. A gas station shall be located at least 400 feet from an existing school, park, playground, museum, or place of public assembly.
4. Gasoline pumps and pump islands shall not be located within the required building setbacks.
5. Canopies shall comply with the following requirements:
  - a. The canopy shall be constructed of noncombustible materials, open on not less than two sides and the outside edge of the canopy located not closer than 10 feet to any side or rear property line nor closer than 25 feet from the front property line.
  - b. The canopy shall have a minimum clearance height of 14 feet and a maximum overall height of 18 feet.

- c. The support posts for the canopy shall be placed so as not to be a traffic hazard for vehicles using the premises and not in any regularly used portion of the property used by vehicles.
  - d. Canopy lighting shall be completely recessed within the canopy so that the light source is not visible from off the site.
6. Vehicle parking spaces at the pump island may be counted as part of the required parking spaces.
  7. All on-site activities except those to be performed at the fuel pumps must be performed within a completely enclosed building.
  8. If the gas station provides vehicle towing services the tow truck, if kept on site, shall be located indoors or if parked outside it shall be screened by a fence, wall or landscaping at least six feet in height or located so it is screened from public view. Vehicles for service may be stored on a temporary basis only, not to exceed five days.
  9. Merchandise offered for sale may be displayed adjacent to the gasoline pump islands and canopy supports but shall otherwise comply with Section 14.06.A herein.

*Updated 2-1-2016*

*Ord. No. 2016-2*

**B. Vehicle Repair Garages or**

**Collision Shops.** Any use intended for major automobile repair, or the alteration and painting of automobiles are subject to the following standards:

1. The minimum distance from the building to an existing school, park, playground, or place of public assembly shall not be less than 200 feet as measured from the service building to the property line of the parcel containing the existing school, park, playground, or place of public assembly.
2. Outdoor storage of rental trucks or trailers, trash or refuse, stacks of tires or other merchandise must be screened by a wall or fence at least six feet in height.
3. If the use provides vehicle towing services the tow truck, if kept on site, shall be located indoors or if parked outside it shall be screened by a fence, wall or landscaping at least six feet in height or located so it is screened from public view. Wrecked or abandoned vehicles may be stored on a temporary basis only in the same type of screened area.

*Updated 2-1-2016*

*Ord. No. 2016-2*

### **C. Vehicle or Freight Terminals.**

Facilities for the storage, dispatching, and repair of three (3) or more trucks or buses must conform with the following standards:

1. Access must be from a paved publicly-maintained arterial road which does not transverse any residential area in connecting to an arterial.
2. Parking areas must be surfaced with bituminous asphalt or concrete unless waived by the Planning Commission.
3. Drainage plan is required.

4. Repair and servicing of vehicles must be conducted within a completely enclosed building.
5. Perimeter screening is required on all property lines.

### **D. Farm Equipment, Construction Equipment and Vehicles Sales Lots.**

Any establishment for farm equipment sales allowed as a special use in the AG Agricultural Rural District under Section 5.03.K, or as a permitted use in the C-3 Commercial District under Section 15.02.K, or any establishment for a vehicle sales lot allowed as a permitted use in the C-3 Commercial District under Section 15.02.Y. or as a special use in the GC Commercial District under Section 14.03, or any establishment for construction equipment sales allowed as a permitted use in the C-3 Commercial District under Section 15.02.2., shall, in addition to other applicable standards and conditions of this Ordinance, meet the following requirements:

1. All side and rear setback areas must be screened by a ten (10) feet wide greenbelt. See definition of greenbelt - Section 32.
2. No vehicles shall be parked or displayed within twenty-five (25) feet of any street right-of-way.
3. Flags, pennants, banners, posters, string lights, or other promotional devices are prohibited.
4. Any and all fencing is considered an accessory use and all fences must be constructed with materials to match the principal structure. If there is no

principal structure, all fencing materials shall be consistent with the general building material standards of the neighborhood.

*Updated 10-26-2020  
Ord. No. 2020-5*

#### **E. Automobile wash establishments.**

1. Vehicle wash establishments that offer the retail sale of fuel, shall also comply with the provisions of Section 23.03A Automobile Service Stations.
2. All washing activities must be within a building.
3. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any lot line adjoining a residential zoning district.
4. The vehicular exit from the building shall be at least seventy-five (75) feet from the driveway egress.
5. Sufficient space shall be provided on site so queuing vehicles do not extend into the public street.

*Updated 2-1-2016  
Ord. No. 2016-2*

#### **Sec. 23.04 DRIVE-UP, DRIVE-IN AND DRIVE THROUGH FACILITIES.**

*Updated 7-1-2018  
Ord. No. 2018-6*

Any use intended to serve customers while they remain in their vehicles (e.g. drive-in theaters, and drive-in churches) shall conform to the following standards.

##### **A. Drive-In Theaters.** For drive-in theaters, the following standards apply:

1. Minimum area of a drive-in theater site is to be ten (10) acres, with direct access from an arterial road.

2. Projection screens and parking areas shall be at least on hundred (100) feet from any street and three hundred (300) feet from any residential property. The face of any projection screen may not be visible from any street within a distance of one thousand (1,000) feet.
3. All areas used by vehicles must be provided with a paved bituminous surface. Drives and aisles are to be adequately lighted whenever used and shall not produce glare onto adjoining properties and streets.
4. Individual loudspeakers for each car must be provided. There may be no central loudspeaker.
5. Entrances, exits, and access points are to be visible for five hundred (500) feet on the street where they are located and separated by at least one hundred fifty (150) feet. At least two (2) access drives must be provided; where two (2) or more such drives open on the same street, acceleration and deceleration lanes ten (10) feet wide and five hundred (500) feet long are to be provided adjacent to such streets. Access drives shall be laid out so as to avoid left turns across on-coming lanes as much as possible.
6. Ticket gates or booths must be set back sufficiently from the street to allow reserve space off the street for waiting cars equal to fifteen percent (15%) of the theater's capacity. One ticket gate or booth must be provided for each three hundred (30) car capacity.
7. Screening is required within one hundred (100) feet of any residentially zoned property, particularly at points along access roads or at the end of such roads

where screening of automobile headlight glare is necessary to protect adjacent residents or uses.

8. Food concessions are to be at least five hundred (500) feet from any residentially zoned property.

**B. Other Drive-up, Drive-In and Drive Through Facilities.**

All other facilities for drive-up, drive-in or drive through customer service are subject to Site Plan Review to assure the following:

1. Access must be such that vehicles patronizing the use will not interfere with normal traffic on a street, parking lot driveway, or loading access drive.
2. Waiting areas for any terminal or intercom system must be sufficient to assure that roads, sidewalks, or other public access routes will not be obstructed by waiting automobiles at any time.
3. Year around screening of the drive-up window and waiting areas for any terminal or intercom must be provided.

**Sec. 23.05 CEMETERIES, CHURCHES, AND RELATED USES.**

**A. Cemeteries and Related Uses.** A cemetery, columbarium, crematory, or mausoleum is subject to Site Plan review, and to the following site design and development standards:

1. Access must be from a street with ingress and egress so designed as to minimize traffic congestion.
2. All sides of the site must be adequately screened with a masonry wall or

evergreen trimmed hedge at least three (3) feet in height. A permanently maintained planting strip at least twenty (20) feet in width must be provided along all property lines abutting any residentially zoned land.

**B. Churches and Related Uses.** Churches, synagogues, temples, and other places of religious worship are permitted subject to the following standards:

1. Access must be from a collector or arterial street, except that the Planning Commission may approve a secondary access point which is not from such a street.
2. The minimum site area is two (2) acres with a minimum lot width of two hundred (200) feet.
3. The following uses are permitted as accessory uses of any church facility provided they are located on the same parcel as the church facility: parsonage, convent or rectory, playgrounds, non-lighted athletic fields, providing meals for homeless or needy persons and services or programs designed to assist homeless or needy persons such as counseling, job skill training, life management, self-help, religious, or other programs and other uses which the Zoning Administrator deems to be similar. *Amended 8-3-14 – Ord# 2014-10*
4. The following uses may be conducted in conjunction with a church facility when located on the same parcel as the church facility and when specifically authorized as Special Land Use by the Planning Commission in accordance with the requirements of Article 20 of this Ordinance.

- a. Senior citizen community center;
- b. Child and adult day care center;
- c. School;
- d. Food pantry and household goods bank;
- e. Lighted athletic fields;
- f. Coffee and beverage bar offering such items for free or for sale which is open to the public at times other than when the church is conducting services.
- g. The sale of new and used household goods such as clothing, furniture, kitchenware and utensils, tools, toys, electronics, and similar household items provided such use is clearly accessory and incidental to the principal church use of the property, is operated by the church within or attached to the building containing the principal church use and is authorized as a non-profit operation by the U.S. Internal Revenue Service Code.

*Amended 8-3-14 – Ord# 2014-10*

**Sec. 23.06. DESIGN STANDARDS FOR MAJOR RESIDENTIAL DEVELOPMENTS.**

The following design standards shall apply to all townhouse developments, all multiple family developments, and/or mobile home development sites designed for 25 or more dwelling units.

**A. Open Space and recreation Facilities.**

Not less than thirty-five percent (35%) of the net site area of the development site shall be devoted to open space. The required open space area shall exclude all required setback areas, all public street or private road easements, all unbuildable natural areas and all wet storm water storage areas. An area equal to a

minimum of eight percent (8%) of the required thirty-five percent (35%) open space area shall be devoted to recreation facilities, in accordance with the following standards:

1. In a development that is less than fifty (50) acres in size; recreational facilities should generally be centrally located within the development. In a development that is fifty (50) acres or more in size, there should be more than one recreational facility area, and such facilities should be decentralized with at least one recreational facility area being at least two-thirds (2/3) of the total required area.
2. For a development designed to accommodate more than two hundred (200) people, the recreational facilities shall include indoor facilities to accommodate uses such as tennis, basketball, swimming, jogging, or similar uses.
3. As an alternative to the individual recreational facilities required in A.1 or A.2 above, a development may participate with one or more other developments to construct, expand or enhance recreational facilities that will be shared by the participating developments. The size of the joint recreational facilities must equal a minimum of eight percent (8%) of the required thirty-five percent (35%) of the total required open space for all of the participating developments combined. [For example, if two developments create a joint

- recreational facility and if one development is 25 acres in net lot area and the other is 75 acres in net lot area, the joint facility must be a minimum of 2.8 acres in size (Total net lot area of the two development combined is 100 acres. Thirty-five percent (35%) of 100 acres is 35 acres. Eight percent (8%) of 35 acres is 2.8 acres.)] The participating developments shall transfer ownership of the joint recreational facilities to a property owners association.
4. Significant natural features including but not limited to mature trees, natural slopes, wetlands or other bodies of water, shall be preserved.
  5. The development (or all of the developments creating a joint facility) must enter into a recreational facility maintenance agreement that includes the means of financing the maintenance of the facilities, which agreement shall be subject to the review and approval of the Township Planning Commission. The agreement shall provide the Township with the authority, but not the obligation, to undertake the necessary maintenance of the recreational facilities and assess the cost of such maintenance against the property owners in the event the joint recreational facilities are determined by the Township to be inadequately maintained or a public nuisance.
  6. The recreational facilities must be accessible by pedestrian traffic, by way of non-motorized walkways, and by vehicles with adequate parking in compliance with the parking regulations set forth in Article 21 of the Township Zoning Ordinance.
- B. Access Walks.** Non-motorized pedestrian access walks shall be constructed within all properties and along all public and/or private roadways. Interconnected internal walks shall be constructed to interconnect parking lots, buildings and property frontage walks.
  - C. Exposed Ground Surfaces.** Exposed ground surfaces must be seeded or sodded in all parts of the development site. All seeded or sodded ground surfaces must include installation and utilization of an automatic underground irrigation system. Underground irrigation systems shall comply with the requirements of Section 24.05F7.  
*Updated 4-14-2019*  
*Ord. No. 2019-5*
  - D. Water Supply.** The water supply serving the development shall be obtained from a municipal source.
  - E. Sewage System.** An adequate and safe sewage collection system shall be provided and connected to the municipal sewage system.
  - F. Utilities; Underground Installation.** All public and private utilities shall be installed underground.
  - G. Drainage.** All property in any development site shall be graded so as to be well drained, and a means of

conveying storm water away from structures, streets and parking areas shall be provided. An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, retention or detention areas, and other appurtenances, shall be provided. The requirements for each particular proposed development site shall be established by the Township Engineer.

**H. Garbage and Rubbish.** Garbage and rubbish disposal facilities and the enclosures shall comply with Section 24.07.I.

**I. Landscape Setback.**

[Reserved]

*Updated 7-1-2018*

*Ord. No. 2018-6*

**J. Paved Streets and Parking Areas.** All streets and parking areas within a development site shall be paved in accordance with Article 21 and internally landscaped in accordance with Article 21A herein. All paved perimeters, including but not limited to, drives, parking lot, and landscaped islands shall be protected by raised concrete curb and gutter pursuant to Section 21.04E of this Ordinance. If carports or other covered or enclosed parking spaces are provided the exterior materials of such structures including the roof shall be the same or similar to the exterior materials of the principal buildings.

*Updated 9-1-2019*

*Ord. No. 2019-10*

**K. Vehicular Access.** Each development shall be provided with safe and convenient vehicular access from

abutting public streets or roads to each lot or parking area. Such access shall be provided by hard surfaced paved streets. Each development shall provide direct access to a public street and shall provide a continuous route of travel throughout the development without driving parking areas. The Planning Commission may require two (2) separated access points to public streets where such is determined necessary for public safety.

**L. Street Width.** Private two-way streets shall be paved to a width of twenty-four (24) feet.

**M. Lighting.** Each development shall be provided with lighting to illuminate all parking bays, streets, sidewalks and non-motorized pedestrian access walks. Lighting fixtures shall reflect the character of the development with post lighting along all pedestrian walkways and “box type” lighting for parking areas. All lighting shall be designed to illuminate the ground without shining in windows or onto adjacent streets.

**N. Landscape Maintenance.** All grass within a development shall be kept mowed, shrubbery trimmed and the site landscaped in a neat and attractive manner.

**O. Building Separation.** Any two (2) multiple family structures on the same lot shall be separated from each other by a distance equal to the height of the taller building, but not less than twenty (20) feet.

**P. Design Expectations.** All development designs must create a community feel with uniqueness and creativity specific



to each development. Special attention must be given to building architecture that creates a sense of place and individual identity and reflects the intended neighborhood character. The proposal shall include a narrative that describes how the proposed development interconnects with the townships commercial service areas. Parking must be buffered and screened from all existing or proposed transportation corridors. Entrances to the developments must create distinctive gateways using landscape accents and/or signage walls that create a sense of arrival and ownership. Emphasis on safe and convenient pedestrian corridors is a priority.

### **Section 23.07 HOME OCCUPATIONS**

Home Occupations as defined in Section 32.05 are permitted in any residential zone or in the agricultural zone provided that the following conditions are met:

- A.** The home occupation shall only be incidental to the primary residential use.
- B.** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audio interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- C.** The home occupation shall not employ persons other than those members of the family residing on the premises.
- D.** The majority of activities shall be carried on indoors. No visible outdoor storage is permitted.
- E.** There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one identification sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building.
- F.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- G.** The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities.
- H.** Limited retail sales may be permitted on the premises, as a part of or in conjunction with a home occupation.
- I.** Medical Marihuana. A registered primary caregiver, in compliance with the General Rules, the MMMA and the requirements of this Section, shall be allowed as a Home Occupation. Nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal

prosecution for growing, selling, consuming, using, distributing, or possessing Marihuana not in strict compliance with MMMA and the General Rules. Also, since Federal law is not affected by the MMMA or the General Rules, nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution under Federal law. The MMMA does not protect uses, caregivers or the owners of properties on which the Medical Use of Marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act or any other applicable Federal legislation. The following requirements for a register primary caregiver shall apply.

1. The Medical Use of Marihuana shall comply at all times and in all circumstances with the MMMA and General Rules, as they may be amended from time to time.
2. A registered primary caregiver must be located outside of a one thousand (1,000) foot radius from any school, including any Day Car Home, to insure community compliance with Federal "Drug Free School Zone" requirements.
3. Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients from a Dwelling Unit.
4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of Dwelling Unit in which electrical wiring, lighting or watering that support the cultivation, growing or harvesting of Marihuana are located.
5. If a room with windows is utilized as a growing location for Marihuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the Dwelling Unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
6. That portion of the Dwelling Unit where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemical such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with applicable standards.
7. The Lot shall be open for inspection upon request by the Zoning Administrator, the Fire Department and law enforcement officials for compliance with all applicable laws and rules during the stated hours of operation/use and at such other times as anyone is present on the Lot.
8. The permitted Sign for the Medical Use of Marihuana shall not include a pictorial representation, of the product provided at that Dwelling Unit, nor any references to Marihuana, alternate spellings of Marijuana or slang terms of Marihuana, nor any references to or pictorial representations of drug

paraphernalia (as defined in Township Ordinance No. 434, as amended or restated from time to time).

- J.** Any person who wishes to operate a home occupation as defined herein, which can and will consistently meet the standards for operation contained in this article shall be issued a home occupation permit by the zoning administrator. All necessary licenses and clearances required by state and local agencies must be obtained prior to initiating the proposed home occupation. Each applicant for a home occupation permit shall sign a statement in the application agreeing to the above conditions.

*Eff. 10-16-2017  
Ord. No. 2017-10*

- K.** Any person who wishes to operate a home occupation which meets the intent of this section, but would not comply strictly with the above standards, may apply for approval as a special use. Permission to operate such a home occupation may be authorized by the Planning Commission upon finding that the intent of this section is upheld and that the proposed use complies with the standards for approval of special use permits (Section 20.06)

### **Sec. 23.08 REMOVAL OF TOPSOIL, SAND, GRAVEL, OR OTHER MINERALS.**

*Ord. No. 2015-1  
Updated 9-14-15*

- A. Special Land Use Required.** Mineral mining as defined in this Section 23.08 may be authorized by the Allendale Township Planning Commission upon the granting of a special land use by for

such purpose, in accordance with the provisions of this section and the requirements of Article 20 of this Ordinance. Such Special Land Use may be permitted in all zoning districts.

- B. Purpose.** The purpose of the mineral mining special land use is to regulate the appropriate excavation and removal of mineral resources, but, to authorize such activity only if it can be accomplished without very serious consequences to other land uses in the vicinity and elsewhere in the Township. While the excavation and removal of mineral resources is a legitimate land use, it may involve activities which are incompatible with residential uses or other uses permitted by this Ordinance.

The objective of these special land use provisions is to enable the Township to permit such mineral extraction and removal, where such activity can reasonably be permitted, but only upon such terms and conditions as will adequately protect residential and other land uses from very serious consequences and also assure that, once mineral material has been removed, the land shall be reclaimed and restored so as to be available for residential uses or other uses permitted by this Ordinance.

- C. Definitions.** For the purposes of this Section, the following words, terms and phrases shall have the following meanings:

- 1. Mineral Mining or Mining** – The removal or processing of mineral material including peat, earth, gravel, sand, clay, top soil, stone or other

soils or materials, including overburden.

- 2. Mining Site – A site or property where mining or mineral mining occurs (whether dormant or active). A site or property may be two (2) or more abutting Lots when under common ownership.

*Ord. No. 2020-4  
Updated 10-26-20*

**D. Exempt activities.** For the purposes of this Ordinance, the following excavation activities are not included within the above definition of mineral mining or mining and are exempt from requirements of this Ordinance:

- 1. Excavation approved and conducted or administered by a governmental body in conjunction with the installation or maintenance of publicly owned or publicly operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited solely to the public utility or improvement.
- 2. Excavation and removal of minerals which are necessary to prepare a site for the use authorized by a building permit, zoning permit, or other permit issued by Allendale Township. In order for such mineral mining activity to be exempt it shall be completed within one year of the date of commencing the mining activity for each phase of the proposed development, and shall not result in the excavated minerals being stored on site beyond the project completion date.

- 3. Excavation and removal of minerals in conjunction with bonafide farming operations conducted in accordance with generally accepted agricultural management practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds. If 5,000 or more cubic yards of minerals are proposed to be removed from the mining site, unless the removal is for the purpose of an irrigation or stock watering pond, then the operation shall be considered to be a mineral mining activity and a special use permit shall be required to be obtained in accordance with the provisions of this Section 23.08.

In order for an extraction and removal from the site of mineral material of less than 5,000 cubic yards to be exempt from the provisions of this section, such excavation and removal must be complete in and of itself; it shall not, constitute only a part, portion or phase of some other larger, different, or recurring mineral removal operation, plan or activity. An applicant shall not repeat or combine successive removal operations of less than 5,000 cubic yards or less from the same parcel for the purpose of removing a larger total quantity of mineral material.

*Ord. No. 2020-4  
Updated 10-26-20*

**E. Requirements for Mining Permits by Zoning Administrator.** In all zoning districts the Zoning Administrator may approve a permit for a mining activity

subject to the following conditions and procedures.

1. The mining activity is proposed to remove less than 5,000 cubic yards of minerals and the mining activity is proposed to last no more than one year from the issuance date of the mining permit.
2. If a dwelling unit is located within 300 feet of the limits of the excavation (not property lines) the proposed mining operation shall be required to obtain a special use permit in accordance with the provisions of Section 23.08.  
  
However, if all owners of property and residents within 300 feet of the limits of the excavation do not object to the mining operation by submitting this statement in writing to the Zoning Administrator then the Zoning Administrator may review the mining request in accordance with the provisions of this Section 23.08.E.
3. For mining activities which are to be reviewed by the Zoning Administrator the applicant for the mining permit shall submit an application per the requirements of Section 23.08.F along with a fee and escrow amount as may be required by the Township Board.
4. An accurate to scale drawing of the property to be mined illustrating the following information shall be submitted with the application:
  - i. Property lines and dimensions of the parcel proposed for mineral removal including any

- buildings on the site and noting the area on which mineral removal operations and activities will take place;
- ii. Natural features of the site including wooded areas, wetlands, bodies of water and the location and direction of all water courses which may be affected by the mineral removal operations;
- iii. Houses within 500 feet of the limits of the mining operation.
- iv. Existing elevations of the land at intervals of not more than 5 feet for the site and to a distance 50 feet beyond the boundaries of the site. Such elevations shall be based on USGS datum;
- v. The entire mining operation showing the limits of the mining operation and the setbacks from all property lines;
- vi. Proposed fencing, gates, drives, signs, soil erosion measures and other features of the proposed use.
- vii. Roads for ingress to and egress from the lands, including on-site roads other areas to be used for movement of vehicles;
- viii. The condition of the site after completion of all mining activities demonstrating that it can be used for its intended purpose as recommended in the Township Master Plan.

- ix. The final contours at five feet elevations minimum.
- 5. The drawing shall be reviewed by the Zoning Administrator who may consult with the Township Engineer. The Zoning Administrator and Engineer if requested by the Administrator shall also conduct an inspection of the property to determine the accuracy of the drawing and to assess the impact of the proposed mining operation on nearby properties and residents. Based on the inspection the Zoning Administrator may require changes to the drawing and impose conditions in order to insure that the impact of the mining operation is minimized.
- 6. The mining operating shall comply with the requirements of Section 23.08.F.4 except that the Zoning Administrator may waive certain requirements if the requirement would not serve the intended purpose or if a modification of the requirement would still meet the intended purpose. In considering such modification or waiver the Zoning Administrator shall meet the intended purpose. In considering such modification or waiver the Zoning Administrator shall consider the standards of Section 23.08.G2.
- 7. In order to approve an application the Zoning Administrator must determine that the mining operation will not have a detrimental effect on neighboring residents and properties based on the duration of the operation and the expected noise, dust, truck movements and other aspects of the

mining operation and that the land will be restored following the mining activity so it is suitable for uses allowed in that zoning district or as recommended in the Township Master Plan.

- 8. The Zoning Administrator may refer such application to the Planning Commission for a decision in which case the application shall be processed as a Special Use Permit in accordance with all of the requirements of Section 23.08.F below.

**F. Requirements for Mining Permitted by the Planning Commission.** All mining activities not subject to the approval of the Zoning Administrator or otherwise exempted by this Ordinance in all zoning districts except the R2, R3 and all PUD districts shall be reviewed by the Planning Commission as a Special Land Use in accordance with the following procedures and conditions:

- 1. Application Requirements. An application for a special land use for mineral removal shall include the following:
  - a. Name of all of the owner(s) of the land from which removal is to be made or upon which mining operations will take place.
  - b. Name and address of the applicant(s).
  - c. Name and address of the person, firm or corporation who will be conducting the actual removal and/or processing operation.

- d. Location, size, and legal description of the area from which the removal is to be made.
  - e. A description of the type of mineral to be removed and an estimate of the total quantity and an annual quantity to be removed. This estimate shall be verified by a registered civil engineer or land surveyor.
  - f. If over 100,000 cubic yards of material is to be removed provide evidence to reasonable demonstrate that the amount of material proposed to be removed actually exists on the site.
  - g. A description of the trucks to be used to transport the minerals described in cubic yard capacity and single or double bottom.
  - h. Estimated number of truck trips per day. (A truck going in and coming out is two truck trips.)
  - i. The roads which will primarily be used to transport the minerals. (Haul route)
  - j. The proposed hours and days of operation.
  - k. A description of the types of equipment to be used in the mining operation.
  - l. A description of the methods to be used for dust control.
  - m. State if materials such as asphalt and concrete will be brought into the site for crushing and mixing with on-site mining minerals. If so, describe the extent of this activity, the equipment to be used, and if additional permits are required from state or federal agencies.
  - n. The estimated number of years to complete operations and number of phases.
  - o. A description of the proposed use of the land following completion of mining activities.
  - p. Proof of liability insurance with at least one million dollars of coverage.
2. **Site Plan Requirements.** Eight copies of the following site plans shall be submitted to the Township Clerk drawn at a scale not exceeding 1"=100' if the site is less than 50 acres and 1"=200' if the site is 50 acres or more. The plans shall be sealed by a registered civil engineer, landscape architect or registered land surveyor.
- a. ***Provide a separate site plan showing the existing conditions of the property including:***
    - i. A north arrow, scale and date;
    - ii. Property lines and dimensions of the parcel proposed for mineral removal including any buildings on the site and noting the area on which mineral removal operations and activities will take place;
    - iii. The location and width of all easements or rights-of-way on or abutting the property;

- iv. Natural features of the site including wooded areas, wetlands, bodies of water and the location and direction of all water courses which may be affected by the mineral removal operations;
  - v. Existing elevations of the land at intervals of not more than 5 feet for the site and to a distance 50 feet beyond the boundaries of the site. Such elevations shall be based on USGS datum;
  - vi. A current aerial photograph, or other accurate drawing or plan, showing the lands included in the application, and all other parcels with addresses within 1000 feet thereof, and also showing the location of and distance to dwellings and other existing land uses.
  - vii. Estimated depth of the water table.
  - viii. Zoning and property lines on adjacent parcels.
- b. Provide a separate site plan which complies with the requirements Section 23.08.F.4 showing how the site is to be mined including:**
- i. The entire mining operation showing the limits of the mining operation and the setbacks from all property lines.
  - ii. Phasing of the mining operation including place of beginning and direction of mining. Phasing shall comply with the requirements of Section 23.08.F.4.m herein.
- iii. Proposed final elevations at two foot contour elevations.
  - iv. Mineral processing, storage areas and stockpiling areas including the height of the stockpiles.
  - v. Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs, truck washing facilities, soil erosion measures and other features of the proposed use; an illustration of the type of fencing and gate proposed shall also be provided;
  - vi. Roads for ingress to and egress from the lands, including on-site roads, acceleration and deceleration lanes, other areas to be used for movement of vehicles;
  - vii. If a lake or pond is to be created, details of the same, including planned depth contours and the proposed slope into the lake for the first 30 feet from the shore.
  - viii. Proposed or required landscaping and berms.
- c. Provide a separate site reclamation plan which illustrates:**
- i. The condition of the site after completion of all mining activities demonstrating that it can be used for its intended purpose as recommended in the Township Master Plan or as currently zoned.



- ii. The final contour elevations at two foot contours, and also
- iii. Any water courses and any ponds or lakes including the final depth of the pond or lake and slopes into the lake for a distance of 30 feet.
- iv. Landscaping and plantings.

### **3. Additional Information Required**

The Planning Commission may require the applicant to provide studies or information concerning the need for and consequences of the proposed mineral extraction and removal. Such studies may include but need not be limited to the following: an environmental impact study, hydro-geological study, engineering data, traffic impact study, and economic analysis in particular the impact on the property values of nearby properties.

The environmental impact study may include a site inspection to determine whether or not the land contains threatened or endangered species or habitat. Such study shall also consult the Michigan Natural Features Inventory.

If a mineral removal operation will result in the creation of a lake or is proposed within 1000 feet of a lake, river, stream or a wetland regulated by the State of Michigan a hydro geological study may be required to determine the impact of the mining operation on nearby wells and nearby water features.

### **4. Operating and Site Reclamation Conditions**

All mineral mining activities which are approved for a special land use shall

comply with all of the following conditions:

- a. *Driveways.* Driveway access to a mineral removal site shall be only at the locations approved for such purpose in the special land use.
- b. *Truck Routes.* Routes for truck movements to and from the removal site shall comply with the Allendale Township Truck Route Ordinance.
- c. *Entry Roads.* The entry road or roads to and from a removal area shall be composed of asphalt, concrete, or similar dustless hard surface extending from the public road surface for a distance of at least 30 feet into the site unless a greater distance is required by the Commission. This entry road shall be swept at regular intervals to minimize dust.
- d. *Setbacks.* The following setbacks shall apply although the Planning Commission may require a greater setback if deemed necessary to protect adjoining properties or may allow a lesser setback based upon evidence that such lesser distance will not result in adverse effect upon nearby residents or properties
  - i. No cut or excavation shall be made closer than 25 feet to any street right-of-way line or property line and closer than 100 feet to a principle building on an adjoining property.

- ii. No machinery for mineral processing shall be located or used within 250 feet of any property or street line and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact.
  - iii. Storage or stockpile area, equipment used for mineral mining or processing or interior truck access drive shall not be closer than 250 feet to a principal building or dwelling on adjoining or nearby lands existing at the time of the approval of the special land use.
  - iv. No cut or excavation shall be made within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Environmental Quality.
  - e. *Fencing and Signs.* All phases in which mineral excavation or earth moving activities are taking place shall be fenced and gated at all times, so as to avoid hazards to persons who may enter the removal area. Such fencing shall be installed before any activity pertaining to the mining operation begins. Such fencing may be removed upon the completed reclamation of each phase. No trespassing signs shall be placed every 100 feet along all property lines.
- Fencing shall be at least four feet high and sturdily installed. Such fencing, shall, at a minimum be plastic or similar visible material as may be approved by the Planning Commission. Gates shall be at least four feet in height and locked when operations are not occurring. The Planning Commission may require fencing along the perimeter of the property to restrict or deter access by motorized vehicles.
- f. *Entrance Gate.* The entrance to the site shall have a gate which shall be located so there is room on the site to accommodate mining vehicles waiting outside the gate. The entrance gate shall be posted with the name and phone number of the mine operator and the approved hours of operation.
  - g. *Hours of Operation.* The hours of operation of any mining operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. No hours of operation shall be permitted on Sundays and legal holidays. In certain situations, this time period may be modified by the prior written consent of the Township Zoning Administrator, provided that such order shall not be effective for more than 72 hours. No mining uses or mining or processing-related activity of any kind shall occur outside of the permitted hours of operation.

- h. *Noise*. Mining sites shall be operated in such a fashion that the noises of operation or equipment vibration cannot reasonably be considered disturbing to neighboring uses or users of land. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to the owners or occupants of adjoining properties.
- i. *Crushing & Processing of Materials*. Concrete, asphalt or other artificial minerals and natural minerals may be brought to and stored on a mineral removal site for processing into a usable product subject to the specific approval of the Planning Commission which may attach conditions for such processing including limiting the amount of material brought into the site, the location and size of stockpiles and when such material may be processed and removal of the processed product from the site. Additional permits may be required for such activities from county, state and federal agencies and copies of such permits shall be provided to the Township.
- j. *Dust Control*. Interior access roads shall be maintained by the operator of the site so as to keep the dust arising from the use of said roads. Such maintenance shall be accomplished through the application of calcium chloride, brine, water, and/or similar dust retardant material. Application of oil is prohibited. Dust control measures used on public roadways are subject to the approval of the Ottawa County Road Commission.
- k. *Drainage*. Drainage on the mineral mining site shall be maintained in a manner which most closely approximates the natural drainage patterns. Measures shall be taken to avoid or mitigate the run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.
- l. *Topsoil*. Topsoil shall be replaced on the site to a depth of not less than four inches unless it is demonstrated that there was less than four inches of topsoil on the site prior to any excavation in which case topsoil shall be replaced to the extent that it existed on the site prior to an excavation.
- m. *Phasing*. If the mining operation is to occur in phases, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mineral removal operations or activities are commenced in another phase or area. Within each phase no more than five acres, at any time shall be cleared and actively mined at any time without reclamation occurring consistent with the approved reclamation plan. Provided

however, that the Commission may require a lesser acreage if deemed necessary to avoid serious adverse consequences on adjacent properties. The area used for stockpiling excavated material shall not be included in the five acres. It is the intent of this section that site restoration and reclamation occur in unison with the mining process.

- n. *Final Slopes.* Final Slopes shall have a ratio of not greater than one foot of elevation to each four feet of horizontal distance. However, the Planning Commission may approve a ratio of one foot of elevation to each three feet of horizontal distance for portions of the site if it is demonstrated: that such slopes are necessary to blend with the grades on adjoining parcels; that they can be properly maintained and: that such slopes will still allow the land to be used in accordance with the recommendation of the Township Master Plan.

If the mining operation creates a lake or a pond the slope from the shore into the water shall be one to six (rise to run) or flatter to a depth of five feet.

- o. *Screening.* Earth berms, landscaping or both may be required by the Planning Commission along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Berms shall have slopes

that are not in excess of one foot vertical to three feet horizontal and shall at a minimum be planted with grass. Berms which are constructed but which are intended to be removed before the completion of the entire mining activity are considered to be temporary and may have a steeper slope.

- p. *Lake.* The creation or enlargement of a lake, in connection with reclamation of the site, shall be permitted only where the applicant demonstrates from engineering and hydro geological studies that the waters of the lake will not become polluted or stagnant due to depth, lack of fresh water inflow or other reason and that the creation of the lake will not adversely affect groundwater supplies for nearby uses. Any such lake shall be approved by those state and county agencies having jurisdiction. Construction of the lake shall not begin until written approvals from these agencies have been provided to the Township.

### **G. Review by Planning Commission; Standards for Approval/Denial**

1. Commission Review. Upon submission of a complete application and following the public hearing required by Article 20 the Planning Commission shall review the application and determine whether to approve, deny or approve the application with conditions. In its review of the application, the Planning

Commission shall consider, among other matters, the intent and purposes of this section, compliance with the requirements of Section 23.08.F.4 and the Special Land Use approval standards of Section 20.03 herein.

**2. Standards.** The Township Planning Commission shall not approve any special land use for mineral mining unless the application sufficiently demonstrates that the proposed mineral mining operations and activities will not create very serious consequences or serious environmental impact upon adjacent or nearby lands or other lands in the Township or the area.

Furthermore, before approving a Special Use Permit for mineral mining activities under this Ordinance the Planning Commission shall consider the following factors of the proposed mining operation as applicable:

- a. The relationship of extraction and associated activities with existing land uses.
- b. The impact on existing land uses in the vicinity of the property.
- c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

- f. The overall public interest in the extraction of the specific natural resources on the property.

**3. Conditions.** The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, through need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.

**4. Duration.** An approval granted by the Planning Commission shall be valid for a period of up to five years beginning on the date of approval of the Special Land Use by the Planning Commission.

**5. Letter Of Credit or Performance Bond.** The applicant shall post a surety performance bond, cash deposit or irrevocable letter of credit naming the Township as the beneficiary thereof in a form and in an amount determined by the Township engineer and approved by the Planning Commission to be reasonably necessary to insure compliance with all license and Ordinance requirements (“security”), including reclamation and repair of damage to any public roads. The Township shall also approve the form of the security and the bank or financial institutions supplying the security. Mined material and other items such as property or equipment shall not be used for such security.

Upon completion of the applicant's activities on the land described in the application and the land has been reclaimed in accordance with the approved reclamation plan to the satisfaction of the Zoning Administrator, the security shall be void in accordance with the procedures of Section 23.08.H herein; otherwise, the Township shall have the right to use the security proceeds to the extent necessary to reclaim the property and to comply with all other Ordinance requirements. This security shall be kept in effect at all times by the applicant until the land has been fully restored by the applicant as required by this Ordinance or until such time that the Township through its officers, agents, and contractors is able to restore the site in accordance with the security requirements.

No security shall be discharged, returned or voided until the Township deems full compliance to have occurred. In fixing the amount of security, the Planning Commission shall take into account the size and scope of the proposed operation, current prevailing costs of reclaiming the premises upon default of the operator, and such other conditions and factors as might be relevant in determining what sum is reasonable in light of all facts and circumstances surrounding each application.

The applicant shall notify the bank or financial institution providing the security and provide proof thereof that the Township will be notified in the event of any lapse in the effectiveness of the security. The amount of the security shall apply to all lands occupied by mining,

areas, roadways, storage areas, equipment, stockpiles, and similar elements.

**6. Annual Review.** A special land use approved by the Planning Commission shall be subject to a yearly review by the Planning Commission to determine compliance with the approved special use. For purposes of this subsection the date of review shall be each year on or about the anniversary date of approval of the permit.

At each annual review the applicant/operator shall appear before the Commission and provide to the Commission a written description of the progress made over the preceding year including amount and percent of material removed, amount and percent of material remaining, whether the mining will be completed within the time limit of the permit, a list of complaints received and how they were addressed, reclamation progress and other information as requested by the Commission.

**7. Inspections.** The mineral mining activity shall be subject to periodic inspections by the Township Engineer to determine that the mining activity is proceeding in accordance with the conditions of the approved site plan and special land use.

**H. Compliance with reclamation plan.**

Upon the expiration of the mineral mining special land use permit the applicant shall provide to the Township Zoning Administrator a certification from a registered civil engineer, landscape architect or registered land surveyor that the site has been restored in conformance with the

approved reclamation plan and may consult with the Township Engineer. Any costs incurred by the Township for such engineering services shall be paid for by the applicant.

If the reclamation of the site is determined to comply with the approved reclamation plan the Zoning Administrator shall issue a letter of approval to the applicant and void the letter of credit or performance bond as required by Section 23.08.G.5 herein.

If the reclamation of the site is not in accordance with the approved reclamation plan the Zoning Administrator shall require the applicant to take the necessary measures to achieve compliance or the Zoning Administrator shall have the right to use the security proceeds to the extent necessary to reclaim the property and to comply with all other Ordinance requirements. The applicant may request approval from the Planning Commission for a modification of the reclamation plan.

The Commission may approve the modification if it determines that the proposed modification substantially complies with the approved reclamation plan or that circumstances relating to the physical features of the site prevented compliance with the approved reclamation plan but that the modified reclamation plan still allows the site to be used in accordance with the uses recommended by the Township Master Plan.

**I. Renewal of Special Land Use.** The special land use authorized by this section is granted for a period of up to five years and may be renewed in the discretion of the Planning Commission for an additional period of up to five years. Such renewal

shall be subject to the terms of this subsection as follows:

- 1.** The applicant or operator shall file an application for renewal of the special land use, prior to the expiration of any annual or other increment in which excavation and removal operations are permitted under the terms of the special use.
- 2.** Prior to consideration of an application for removal, the Township Engineer or other designated Township official shall inspect the land to determine compliance with the mineral mining activities to date and shall submit a report to the Township Planning Commission.
- 3.** Upon receiving the completed application for renewal, including the report of the Township Engineer, the Township Planning Commission shall approve, disapprove or approve with conditions the requested renewal. All payments to the Township of any required mineral removal surveillance, escrow or administration fee shall be current as a condition of renewal.
- 4.** In determining whether to approve a renewal of the special land use, the Township Planning Commission shall apply the standards and conditions for approval that are then in effect and that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity, the operational history under the special land use and any complaints, comments or other information that have been received concerning the uses and operations there

under and the report of the Township Engineer.

**5.** The consideration of any such renewal shall take place at a public hearing with public notice given in the same manner and to the same extent as that required for an original granting of a special land use.

**6.** In approving a renewal of the special land use, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.

**J. Transfer of Special Land Use.** No special land use authorized by this section shall be transferred to a person or party other than the applicant to whom it was granted unless such transfer is approved by the Planning Commission. In considering a request for transfer of the special land use, the Planning Commission shall consider, among other matters, whether the terms of the required letter of credit or performance bond remain sufficient to assure satisfactory compliance with the terms of the special land use.

**K. Re-Application.** No application for a special land use for a mineral mining project which has been denied by the Planning Commission shall be resubmitted within one year from the date of the denial except that the applicant may present new evidence or proof of changed conditions relating to the reasons for denial of the original application. If the Planning Commission finds this information to be valid it may allow a re-submittal of a new application before the one year period is over.

**L. Existing Mining Operations.** Mining operations which existed and were legally authorized by Allendale Charter Township before the effective date of this amendment (September 14, 2015) shall be allowed to continue according to the conditions of approval imposed by the Township at the time of their original approval. If such existing mining operations proposed to be extended to a parcel or parcels which were not included in the original approval then only the extended mining operation on the new parcel or parcels shall be subject to the regulations and requirements of this amended Section 23.08.

*Ord. No. 2015-1  
Amended 9-14-2015*

**Sec. 23.09 SALVAGE YARDS  
RECYCLING (INCLUDING TIRES),  
AND COMPOSTING FACILITIES.**

Salvage yards, recycling (including tires), and composting facilities are permitted in the I-1 and PID Districts under the following conditions:

- A.** Plans and specifications required:
- 1.** Specific location of the facility shown on a vicinity map.
  - 2.** Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
  - 3.** Legal description and site boundaries.
  - 4.** Means of limiting access including fencing, gates, natural barriers, or other methods.
  - 5.** Details of the method of treating or disposing of liquid waste resulting from operation of the facility.



6. Location of all structures and equipment.
  7. Detailed description of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire.
  8. Location of existing proposed utilities available to the site.
  9. Method of final reduction such as compacting, grinding, shredding, compression, or tamping equipment.
  10. Daily clean-up procedures.
  11. Other details necessary as required by the Planning Commission.
- B.** A salvage, recycling, or composting facility shall be located at least five hundred (500) feet from the nearest residential use or residential district and shall, for safety reasons, be completely enclosed by a fence of not less than eight (8) feet in height with, at least seventy-five (75%) percent of the length of the fence being screened by landscaping as defined in subsection K.
- C.** The site must be located on a major arterial road and not on residential or collector road. Roadways on the property shall be all-weather roads and maintained to prevent dust nuisance.
- D.** Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the salvage, recycling, or composting facility shall be carried on in a manner to prevent noise and vibration nuisance to an adjoining property.
- E.** Highly flammable or explosive materials shall not be permitted unless approved by the Ottawa County Health Department and the Township Fire Department.
- F.** The site shall not be less than two (2) acres in size.
- G.** Open burning shall be prohibited.
- H.** All yards area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
- I.** The operation of the salvage yard, recycling, or composting facility shall be conducted in a prompt and systematic manner so that conditions favorable for harboring and production of insects and rodents are avoided.
- J.** Adequate provision shall be made for routine operational maintenance of the salvage yard, recycling, or composting facility and all appurtenances.
- K.** All salvage yard, recycling, and composting facilities shall provide a landscaped setback of at least fifty (50) feet from any street on which the facility has frontage and a landscaped setback of at least twenty-five (25) feet from all abutting properties. The fence required by subsection B above shall be located at least fifty (50) feet from any street on which the facility has frontage and at least twenty-five (25) feet from all abutting properties. The landscaped setback required by the first sentence of this subsection shall extend from the street or the property line separating the facility from a abutting property all the way to the fence. In all cases the first

twenty-five (25) feet of setback adjacent to and outside the fence shall consist of a bermed greenbelt planting strip. This planting strip shall contain at least one straight or staggered row of evergreen trees at least six (6) feet in height at planting time spaced not more than eight (8) feet apart and which are capable of growing to an ultimate height of at least twelve (12) feet.

### **Sec. 23.10 ENTERTAINMENT AND AMUSEMENT FACILITIES.**

Facilities for use as an amusement park, marina, or athletic activities must comply with the applicable requirements of this section.

**A. Amusement Parks.** Amusement parks are subject to the following requirements:

1. Access must be directly from a collector or arterial street.
2. The use must be developed so as to minimize noise, glare, dust, and other emissions and the applicant is to submit a statement on methods of maintenance of the grounds and facility to assure continued conformance with such standards.
3. Where the Planning Commission determines that any proposed facilities are intended to satisfy a recently-generated demand which is not proven to be of a long-term nature, such facilities may be required to be constructed in a manner which facilitates dismantling and removal.
4. Where a vehicular amusement facility is proposed, the applicant is to submit a

drainage plan for review and approval by the Township Engineer.

**B. Marinas.** Any facility proposed for water-oriented activities, including yacht or rowing clubs, boat rental or access areas, sport fishing, or other marine-related activities is subject to Site Plan review and must comply with the following requirements:

1. Access must be from collector or larger street without creating traffic congestion on streets through residential areas.
2. For any boat facility, sites are to include at least one hundred fifty (150) feet of water frontage and at least three (3) acres in area, but these requirements may be adjusted by the Planning Commission in a particular case as indicated by other standards in this section, or where special conditions of the waterfront area are found to exist.
3. Commercial launching ramps, boat repair facilities, for sale of boating supplies and fuel, and parking areas and areas for boat storage on land are to be located at least 150 feet from any residential or residentially-related use.

**C. Athletic and Recreation Facilities, Indoor Theaters and auditoriums.**

Any use which proposes a swimming pool (other than accessory to a residence), golf course, tennis, handball, racquetball, basketball, or volleyball courts, baseball diamonds, driving ranges, or similar or related facilities, are subject to the following standards:

1. Any athletic facility is to have a minimum building site of at least one (1) acre.

- 2. The proposed site is to have access directly from a collector to arterial street.
- 3. Swimming clubs or swimming pools other than swimming pools accessory to a residence are to be set back as follows, except where a property line is on a natural waterway:

Maximum pool area (square feet)	Minimum setback from any property line (feet)
over 3,500	200
over 2,500	175
over 1,500	150
1,500 or less	100

- 4. **Golf Driving Ranges:** Facilities designed for driving of golf balls are subject to the following standards:
  - a. Minimum lot size for any driving range is five (5) acres.
  - b. Minimum length of lot for any driving range is to be one thousand two hundred (1,200) feet.
  - c. Screening is required around the driving range which shall be high enough and strong enough to keep balls from leaving the confines of the range.
  - d. Night lighting shall be directed so that adjacent residential areas are protected from glare.
- 5. **Golf Courses:** Golf courses, including accessory club house and restaurant uses, are subject to the following (see paragraph 6 below for setbacks):

- a. A minimum lot area of not less than sixty (60) acres is required.
- b. Lighting shall be shielded to reduce glare and shall be directed so that adjacent residential areas are protected from glare.
- 6. **Other Athletic Facilities:** All athletic facilities are to comply with the following minimum setback requirements, except where a property line is on a natural perennial waterway. The main and accessory building shall be setback at least seventy-five (75) feet from any property line.

Type of Facility	Minimum Setback from any property Line (feet)
Tennis Courts	50
Handball Courts	50
Basketball Courts	50
Baseball Diamonds	50
Volleyball Courts	50
Concession Stands	50
Concentrated Picnic Areas (tables, barbecue pits, etc.)	50
Picnic Grounds (not improved)	25
Games normally involving less than 10 people, i.e., horseshoe pits	25
Golf Course Fairways	25

7. **Lighting and Loudspeakers:** If an athletic or recreational facility is equipped with either outdoor lighting or public speaker system, then the setback from adjoining properties shall be as follows:

**Lighting:**

All lighting from the facility shall be located and designed in such a manner that at no time shall the foot-candle, at three (3) feet high vertically at the property line, exceed 0.3 foot candles. In addition, at mean grade twenty (20) feet in on the adjoining property, the foot candle shall, at no time, exceed 0.0.

**Noise:**

At no time shall any person, persons, loudspeaker or other sound generating device create any loud noise in such a manner as to create a nuisance, without reasonable cause and to disturb the quiet, comfort or repose of any persons on properties adjoining the athletic or recreational facility. For purposes of this ordinance nuisance shall be defined as any noise generated within the facility that, at the property line, exceeds 55 dBA between the hours of 9:00 a.m. until 10:00 p.m. and 49 dBA between the hours of 10:00 p.m. and 9:00 a.m.

8. Bowling alley, indoor tennis courts, indoor skating rinks, indoor theaters, and auditoriums.
- a. Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the near edge of said access).
  - b. The main and accessory buildings shall be located a minimum of one hundred

(100) feet from any residential use.

- c. All uses shall be conducted completely within a fully enclosed building.

**Sec. 23.11 FOSTER AND CHILD CARE FACILITIES.**

**A. Adult Foster Care Homes**

1. The facility shall be located no closer than 1,500 feet to any other state licensed facility, except that this section shall not apply to any state licensed facility caring for three (3) persons or less.
2. The Planning Commission may approve additional facilities within 1500 feet of another provided that such additional facilities would not contribute to an excessive concentration of such facilities within a particular neighborhood.

**B. Child Day Care.**

1. In any residential or agricultural district, a resident of any dwelling may operate a family day-care home provided that the facility is licensed or registered by the department of social services as a family day-care home.
2. In any residential or agricultural zone, a resident of any dwelling may provide day care to up to twelve (12) preschool children if the following conditions are met:
  - a. The facility is licensed or registered by the department of social services as a group day-care home.
  - b. The facility is not closer than 1500 feet to another licensed group day-care home or to an adult foster care small group home or large group home licensed by the department of social services, nor

closer than 1500 feet to a substance abuse treatment center or correctional center.

The Planning Commission may approve additional facilities within 1500 feet of another licensed facility if the Planning Commission finds that the addition of the proposed facility will not lead to an excessive concentration of licensed facilities in the neighborhood.

- c. The facility shall have appropriate fencing for the safety of the children in the group day-care home.
- d. The facility shall maintain the property consistent with the visible characteristics of the neighborhood.
- e. The facility may provide one identification sign and shall comply with the regulations of section 22.13 regarding signs.
- f. Facility shall provide one off-street parking space for each employee that is not a resident of the dwelling. Such parking space shall be located on the same lot as the day-care facility, and shall not interfere with the use of driveway areas that would otherwise be used for short-term parking by clients.

#### C. Review of Additional Facilities.

In approving additional facilities as provided above, the Planning Commission shall use the special use procedures and standards established in Article 20.

### Sec. 23.12 PRIVATE ROADS AND STREETS.

#### A. General Provisions:

1. All lots shall have frontage on a public

street right-of-way or private road easement.

2. A private road shall be located within a private road easement. This easement shall be at least sixty-six (66) feet in width.
3. A private road shall be connected to and extend from a public street right-of-way either directly or via other private roads.
4. A private road shall be given a name which is different from any other private road or public street within Ottawa County. Written approval for the name shall be obtained from the Allendale Charter Township Fire Chief.
5. A street sign bearing the approved name shall be erected and maintained by the owner of the proposed private road at each location where a private road connects to and extends from the public street or another private road. Street signs and traffic control signs where the private road meets a public street shall comply with and be installed in accordance with Ottawa County Road Commission standards and specifications. This provision shall also apply to existing private roads where such a street sign shall be erected by the current owner of the private road on or before February 13, 1995.
6. An existing private road constructed prior to February 13, 1995 and any private road constructed after that date may be reconstructed, extended, maintained, improved or relocated only in accordance with the standards and requirements of this Ordinance.
7. Private roads are permitted only in the

AG Agricultural and Rural Districts, Rural Estate Districts, R-1 through R-4 Residential Districts, and as approved in PUD Planned Unit Development Districts.

8. The owner of a proposed private road shall provide to the Zoning Administrator a maintenance and access agreement in recordable form which provides for the necessary maintenance, repair, improvement and reconstruction of the private road. At a minimum, this agreement shall contain the following provisions:
  - a. A method of initiating and financing (i) such maintenance, repair, improvement and reconstruction of the private road as is necessary to maintain the private road in a reasonably good and usable condition and (ii) necessary snowplowing of the private road.
  - b. A method of apportioning the cost of maintenance, repair, improvement, reconstruction and snowplowing among the private property owners who benefit from and have access to the private road.
  - c. A notice that no public funding is available or will be used to construct, reconstruct, maintain, repair, improve or snowplow the private road.
  - d. A notice that if repairs and maintenance of the private road are not made so as to maintain the road in reasonably good and usable condition, the Township Board may repair and maintain the road and assess owners of the parcels having frontage on the private road for the total cost, plus an administrative fee in the amount of ten (10) percent of the total cost of the repairs and maintenance. The agreement shall also state that any person purchasing a parcel having frontage on the private road shall be deemed to have petitioned for the repair and maintenance of the private road specified in this subsection d. as is provided by Michigan Act 188 of 1954, as amended, or any similar successor state statute authorizing the special assessment by townships of the cost of the maintenance and repair of a private road, and to have consented in all respects to the imposition of a special assessment pursuant to Michigan Act 188 or such successor statute for the cost for the Township to repair and maintain the private road.
  - e. Easements to the Township for water and sewer utilities and easements to public utilities and communication companies for electric, gas, cable TV and telephone.
  - f. A provision that the owners of any and all of the property with rights to use the private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with the normal ingress and egress and use by other private owners who use the private road. This provision shall also apply to other family members, guests, invitees, trades persons, emergency vehicles and others bound to or returning from any of the properties having a right to use the private road.
9. Public water service shall be provided to all lots which are accessed by a private road, according to the requirements of Section 5.3.1.g of the Allendale Charter Township Subdivision Ordinance, as amended, except for lots which are accessed by a private road with an

average area of two and one-half (2 ½) acres or more.

*Ord. No. 2020-4  
Updated 10-26-20*

### **B. Construction Specifications.**

*Updated 1-1-18  
Ord. No. 2017-13*

Except as permitted in subsection BB below, the following construction specifications apply to all private roads and streets.

1. Where a private road terminates in a dead end, a paved cul-de-sac may be required by the Planning Commission. The road easement shall widen to accommodate the cul-de-sac with a minimum diameter paved surface in accordance with the current Ottawa County Road Commission Standards and Specifications for Plat, Condominium and Public Road Development.
2. A private road is required to be paved and shall be constructed in accordance with the current Ottawa County Road Commission Standards and Specifications for Plat, Condominium and Public Road Development. The Planning Commission may require additional thickness, stronger materials or other necessary road improvements to adequately accommodate local surface and subsurface conditions.
3. The minimum width of the paved surface shall be as follows:
  - a. For private roads servicing five (5) or less dwellings the paved surface shall be at least twenty-two (22) feet in width and shall contain gravel shoulders of at least two (2) feet in width.
  - b. For private roads servicing at least six (6) dwellings but not more than nineteen (19) dwellings, the paved surface shall be at least twenty-four (24) feet in width and shall contain valley gutter shoulders.
  - c. For private roads servicing twenty (20) or more dwellings the paved surface shall be at least twenty-four (24) feet in width and shall contain concrete curb and gutter shoulders. The private road shall include street trees and street lighting pursuant to the requirements of the Allendale Charter Township Subdivision Ordinance.
4. After a review by and written approval obtained from the Ottawa County Drain Commission, a private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course or easement, stream or other natural body of water, a bridge, culvert or other structure permitting the flow of water under the private road shall be constructed in accordance with applicable Ottawa County Road Commission and Michigan Department of Transportation requirements.
5. A private road shall not exceed a grade of seven (7) percent, provided that within fifty (50) feet of any private road or public street intersection, the grade shall not exceed four (4) percent.
6. A driveway permit shall be obtained from the Ottawa County Road Commission for the private road.

**BB. AG Agricultural and Rural Zoning District**

*Updated 1-1-18  
Ord. No. 2017-13*

In order to maintain the rural atmosphere established within Section 5.01 of this Ordinance, private roads in the AG Agricultural and Rural Zoning District shall be constructed in accordance with Section 23.12B or as provided herein.

1. A private road shall be located within a private road easement of not less than thirty (30) feet in width. The private road shall be constructed with a sand and gravel base of not less than eighteen (18) inches in depth of which not less than six (6) inches in depth shall be only gravel. The private road may be paved in accordance to Section 23.12B of this Ordinance. The Planning Commission may require additional thickness, stronger materials or other necessary road improvements to adequately accommodate local surface and subsurface conditions.
2. Where a private road terminates in a dead end, a cul-de-sac shall be required by the Planning Commission. The road easement shall widen to a minimum diameter of at least one-hundred (100) feet to accommodate the cul-de-sac with a minimum diameter road bed surface of at least eighty (80) feet.
3. The private road shall have a road bed of not less than twenty (20) feet in width for its entire length, except for that area where a cul-de-sac is required pursuant to subsection BB2 above.

4. A private road shall serve no more than five (5) lots and each lot shall be no less than ten (10) acres in area.
5. The private road shall comply with the provisions of Section 23.12B4, Sections 23.12B5, and 23.12B6 above but shall be exempt from the provisions of Sections 23.12B1, 23.12B2, and 23.12B3.

*Updated 7-1-2018  
Ord. No. 2018-6*

**C. Review and Approval Provisions.****1. Permit Application and Fee.**

Private roads shall only be permitted as a special use. The application for approval of a private road as a special use shall be filed as is required by Section 20.03.A and shall be accompanied by a fee as is required by Section 20.03 D.

The application for approval of the private road as a special use shall contain or be accompanied by the following information:

- a. The name of the owner and any other parties having any legal interest in the private road and the property across which it is to be constructed.
- b. The legal description of the property over which the private road is to be constructed.
- c. A site location map, not to scale, which shows the location of the parcel containing the road to surrounding properties and roadways within one-half (1/2) mile of the site.
- d. A scaled drawing prepared by a licensed engineer showing the precise location, route, elevations, dimensions,



specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect.

- e. A scaled drawing prepared by a licensed engineer, surveyor or architect, or registered planner, illustrating the proposed lot divisions.
  - f. A copy of the proposed maintenance and operation agreement required by Section 23.12.A.8.
2. **Review of Application.** The application for a special use permit for a private road shall be reviewed and acted upon in accordance with the procedures specified in Article 20 for special use permits.

**D. Final Compliance Requirements.**

Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator a letter from a licensed professional engineer that the road has been constructed in compliance with the approved private road plans and the requirements of this Ordinance, documentation that the maintenance and access agreement referred to in Section 23.12 A.8 and all easements have been recorded in the office of the Ottawa County Register of Deeds and a driveway permit for the private road from the Ottawa County Road Commission.

- E. Permits for Buildings on Private Roads.** A building permit shall not be issued for any principal building, dwelling or structure which derives its primary access from a private road unless the private road has been

approved as a special use and the road has either been completed in accordance with all requirements of this Section 23.12 or the applicant for the building permit or the owner of the private road right-of-way have provided the Township with financial security for completion of the private road as is provided in Section 24.12.

- F. Township Liability.** The owner of the private road agrees as a condition of applying for and receiving a special use permit for a private road to indemnify and save and hold the Township, and its Township Board, officers and employees, harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road and all expenses incurred in defending such claims. The substance of this subsection shall appear on the application for the special use permit and be signed by the applicant property owner.

**Sec. 23.13 RECREATIONAL VEHICLE STORAGE YARD.**

Recreational Vehicle Storage Yard. Any lot or parcel which is proposed for use as a storage yard for recreational vehicles meet the following requirements:

- A. The lot must be at a minimum 10 acres in size.
- B. The soils of the lot must be generally unsuitable for on-site septic systems, i.e. not capable of naturally supporting the maximum density residential development allowed within the district; and not suitable for agricultural use, or

cultivation has not occurred within the last three calendar years prior to the special use request. As such, the general requirement that a special use must be in conjunction with farming operations in this district is hereby expressly waived. No lot shall be found to be unsuitable for farming purposes if the property has been or currently is subject to a development rights agreement with the State of Michigan pursuant to P.A. 116 of 1974, as amended.

- C. The lot must not be currently included in a plan adopted by the Township to provide water and sewer service to the lot.
- D. The lot must have direct access to a public street.

The Planning Commission shall review an application for a special use permit for a Recreational Vehicle Storage Yard to determine if it meets the above requirements and the requirements of Article 20. Further, the purpose of this use is to permit a transitional and temporary use of property which because of the above-mentioned circumstances has limited current uses until water and sewer become available to the site. Therefore, a special use permit for this use shall not be issued for a period of more than five (5) years, and shall not be renewed unless the site then meets the requirements set forth above and unless all of the conditions imposed by the current permit have been satisfactorily met. As a transitional and temporary use generally incompatible with residential uses, any recreational vehicle storage yard shall

comply with the following conditions in addition to any imposed pursuant to Article 20.

- 1. Parking of recreational vehicles shall not be less than four hundred (400) feet from any residential district.
- 2. There shall be no sales, rentals, repairs, or habitation of any recreation vehicle or any other use of the recreation vehicle storage yard except as a temporary storage yard for recreational vehicles when they are not in use.
- 3. No temporary or permanent building or structure shall be erected or permitted on the lot while it continues to be used as a recreational vehicle storage yard including, but not limited to the installation of concrete slabs, bituminous pavement or lighting.
- 4. Driveways internal to the recreation vehicle storage yard shall be graded and the surface improved by a permeable gravel layer to ensure appropriate drainage and dust free conditions at the site.

**Sec. 23.14. STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY STRUCTURES**

All single family and two-family dwelling units (except mobile homes within licensed mobile home parks) shall comply with the following minimum requirements.

**A. Area and Width.**

The dwelling unit shall meet or exceed the minimum floor area and minimum exterior width for dwellings, as specified in the applicable zone district regulations.

**B. Foundations.**

All dwellings and any additions thereto shall be constructed upon and attached to a solid, permanent foundation located under the entire perimeter of the ground floor of the dwelling unit, with a depth of at least forty-two (42) inches below grade. The foundation shall comply with the provisions of the BOCA code and all applicable state regulations.

**C. Storage Areas Required.**

All dwelling units shall provide enclosed storage space (either within a basement or in an attic or in a separate, fully enclosed accessory structure) of not than fifteen percent (15%) of the living area of the dwelling unit. The storage areas shall be provided in addition to the area devoted to the storage of automobiles. Storage areas in the basement, attic or separate accessory building shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this ordinance.

*Updated 7-1-2018*

*Ord. No. 2018-6*

**D. Steps or Porch Required.**

All dwelling units shall provide permanent steps or porch areas where there exists an elevation differential of more than one (1) foot between the threshold of a door and the surrounding grade.

**E. Additions.** All additions or alterations to a dwelling shall be at least the same quality materials and workmanship as the original structure.

**F. Roof Pitch.** The roof of any such dwelling shall have a minimum pitch of three (3) inches rise for every one (1)

foot of run, unless twenty percent (20%) of the residences located within one-half (1/2) mile have a lesser pitch, then the pitch equal to the average of those twenty percent (20%) may be provided. The roof shall be covered by either asphalt, fiberglass, or shake shingles.

**G. Sewer and Water.** All dwellings must be connected to the public sewer and water supply, where available. When such facilities are not available, on-site water supply and sewage disposal facilities are required, and must be approved by the Ottawa County Environmental Health Department.

**H. Mobile Homes.** Mobile homes or manufactured housing that meet the above requirements are permitted wherever such units also comply with the zone district requirements. In addition, mobile homes must comply with the following requirements.

1. A tie-down or anchor system shall be installed in a manner that complies with the manufacturer's specifications.
2. When installed, there shall be no exposed tongue assembly or towing mechanism, no exposed wheels, and no exposed undercarriage.
3. Mobile homes shall comply with the standards of the United States Department of Housing and Urban Development Mobile Home Construction Safety Standards in effect at the time the mobile home is located on the property.

**Sec. 23.15 SEXUALLY ORIENTED BUSINESSES.**

**A. Purpose.**

The purpose and intent of this Section, Section 23.15, is to minimize the negative secondary effects associated with Sexually Oriented Businesses through regulating, but not excluding, the location and operation of Sexually Oriented Businesses within the Township. It is recognized that Sexually Oriented Businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of Sexually Oriented Businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety and general welfare of Township residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this Section are not intended:

- (i) to violate the guarantees of the First Amendment to the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963;
- (ii) to deny adults access to Sexually Oriented Businesses and their products;
- (iii) to deny Sexually Oriented Businesses access to their intended market; or
- (iv) to legitimize activities which are prohibited by Township ordinance, state or federal law. The Township further states that it would have passed and adopted what might remain of this Section following the removal, reduction or revision of any portion of this Section found to be invalid or unconstitutional.

**B. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Section only, unless otherwise specifically stated.

1. **Adult Arcade:** A commercial establishment that offers coin-operated (or for any other form of consideration) electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of Specified Anatomical Areas or Specified Sexual Activities.
2. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the items set forth in subsections a or b.
  - a. Books, magazines, periodicals or other printed matter, photographs, films motion pictures, video cassettes or video reproductions, slides, or any other visual representations or media which depict or describe Specified Anatomical Areas or Specified Sexual Activities; or
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities. A commercial establishment may have other principal business purposes that do not involve offering for sale or rental the material identified in subsections a and b, above, and still be categorized as an

Adult Bookstore or Adult Video Store.

3. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
  - a. Persons who appear in a State of Nudity;
  - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities; or
  - d. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
4. **Adult Entertainment Booking Agency:** A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
5. **Adult Motel:** A hotel, motel or similar commercial establishment that does any of the following:
  - a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other

- photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities and has a sign visible from the public right of way that advertises the availability of any of the above;
- b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
6. **Adult Motion Picture Theater:** A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.
  7. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a State of Nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
  8. **Dating Service:** A business engaged in, for either direct or indirect financial remuneration, making arrangements to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service.
  9. **Escort:** A person who, for

- consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
10. **Escort Agency:** A person or business who furnishes, offers to furnish, or advertises the furnishing of escorts for a fee, tip, or other consideration.
  11. **Massage:** The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids, for non-therapeutic purposes. The systematic and scientific manipulation of the soft tissues of the human body by a state licensed health care professional for therapeutic and/or rehabilitative purposes shall be considered a therapeutic massage and not restricted by this Section.
  12. **Massage Parlor:** Any commercial massage is made available for any form of consideration.
  13. **Massage School:** Any place, instruction in the theory, method and practice of non-therapeutic massage.
  14. **Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include:
    - a. an educational institution funded, chartered, licensed or recognized by the State of Michigan; or
  - b. a private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.
15. **Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include:
    - a. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;
    - b. Material as defined in section 2 of Michigan Act 343 of 1984, as amended, or any similar successor statute; or
    - c. Sexually explicit visual material as defined in section 3 of Michigan Act 33 of 1978, as amended, or any similar successor statute.
  16. **Public Place:** Any real property or an appurtenance to real property that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency, or by a college or university of the State of Michigan and may include a including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment,

- recreation, health, or transportation facility, or institution of any kind, whether licensed by any agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
17. **Sexual Encounter Center:** A commercial establishment that, as one of its principal business purposes, offers for
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - b. Activities between male and female when one or more of the persons is in a State of Nudity.
18. **Sexually Oriented Business:** Any of the following: (1) Adult Arcade; (2) Adult Bookstore or Adult Video Store; (3) Adult Entertainment Booking Agency; (4) Adult Cabaret; (5) Adult Motel; (6) Adult Motion Picture Theater; (7) Adult Theater; (8) Dating Service; (9) Escort Agency; (10) Massage Parlor; (11) Massage School; (12) Nude Model Studio; and (13) Sexual Encounter Center.
19. **Specified Anatomical Areas:** Are defined as:
- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; or
  - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
20. **Specified Sexual Activities:** Are defined to include any of the following:
- a. The erotic fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - b. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy and/or masturbation;
  - c. Sexual arousal or gratification using animals or violence, actual or simulated; or
  - d. Excretory functions as part of or in connection with any of the activities set forth in a through c above.
- C. Zoning Districts.** Notwithstanding any provisions of this Ordinance to the contrary, Sexually Oriented Businesses shall be permitted only as a special land use subject to Planning Commission approval within the C-3, I-1 and PID Zoning Districts.
- D. Special Land Use Approval Requirements.** Special land use approval shall not be granted to any Sexually Oriented Business unless it meets all of the following enumerated requirements. Any Sexually Oriented Business granted special land use approval shall continue to comply with all of the requirements of this Section at all times while the business is operational.
1. No Sexually Oriented Business shall be located on a parcel that is within 1,000 feet of the boundary of any land zoned R-1, R-2, R-3, R-4, and R-5, or approved as a planned unit development

- for residential purposes. For purposes of this subsection 1 and subsection 2 below, the distance between a proposed Sexually Oriented Business and the boundary of any land zoned R-1, R-2, R-3, R-4 or R-5, or approved as a planned unit development for residential purposes, or land used for any single or multiple family residence, township, county or state park, school, library, licensed childcare facility, playground, church or place of worship, shall be measured in a straight line from the nearest property line of the parcel of land upon which the proposed Sexually Oriented Business is to be located to the nearest boundary of the land zoned R-1, R-2, R-3, R-4 or R-5, or approved as a planned unit development for residential purposes, or the nearest property line of multiple family residence, township, county or state park, school, library, licensed childcare facility, playground, church or place of worship.
2. No Sexually Oriented Business shall be located on a parcel within 1,000 feet of any single or multiple family residence, any township, county or state park, any school, library, licensed child care facility, playground, church or place of worship.
  3. No Sexually Oriented Business shall be located within any principal or accessory building or structure already containing another Sexually Oriented Business.
  4. The proposed use shall conform to all requirements of the zoning district in which it is located, except that, notwithstanding any provisions of this Ordinance to the contrary, an Industrial Service Center containing a sexually oriented business may be permitted within one-half mile from existing commercial services.
  5. The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and regulations of the County, State and Federal government and, to the extent required, all governmental approvals have been obtained.
  6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent right-of-way of a public street or private road.
  7. Any sign or signs proposed for the Sexually Oriented Business shall comply with the provisions of Article 22 of this Ordinance, and may not otherwise include photographs, silhouettes, drawings, or pictorial representations of Specified Anatomical Areas, Specified Sexual Activities or obscene representations of the human form, and may not include animated or flashing illumination.
  8. Entrances to the proposed Sexually Oriented Business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license



duly issued by the Michigan Liquor Control Commission."

9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public or private road or a neighboring property.
10. Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All Sexually Oriented Business shall remain closed on Sundays and legal holidays.
11. All off-street parking areas shall comply shall be illuminated after sunset during all hours of operation of the Sexually Oriented Business, and until one hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one foot candle, with a 3:1 uniformity ratio. The illumination shall not reflect on and shall be screened from adjoining properties.
12. Any booth, room or cubicle available in any Sexually Oriented Business, except an Adult Motel, that is used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:
  - a. Be handicap accessible to the extent required by law;
  - b. Be unobstructed by any floor, lock or other entrance and exit control device;
  - c. Have at least one side totally open to a public, lighted aisle so that there is an

unobstructed view of any occupant at all times from the adjoining aisle;

- d. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
  - e. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.
- E. Application for Special Land Use Permit.** Notwithstanding any provisions of this Ordinance to the contrary, applications for special land use permits and site plan approval submitted by Sexually Oriented Businesses will be governed by this Section.
1. An application for a Special Land Use Permit provided under this Section for a Sexually Oriented Business shall be filed with the Zoning Administrator on the proper forms supplied by the Township. An application shall not be deemed complete until all required information and necessary documentation has been provided to the Township by the applicant or the applicant's agents and representatives.
  2. The application shall be accompanied by a site plan as specified in Article 24, and any other data required by the Zoning Administrator indicating how the proposed Sexually Oriented Business will conform to the requirements set forth in Section 23.15.D.

3. The application shall be accompanied by a legal description of the property, either by metes and bounds or by subdivision lot and block, and a street address.
4. The application shall be accompanied by a fee to be established by resolution of the Township Board to cover the expense of considering and making a decision on the application.

**F. Hearing on Application for Special Land Use Permit.**

Notwithstanding any provisions of this Ordinance to the contrary, the Planning Commission shall hold a public hearing on the proposed special land use not more than forty-five (45) days following the date the Zoning Administrator receives the completed application. Not less than fifteen (15) days before the public hearing, notice shall be published in a local newspaper of general circulation and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question. The notice of public hearing must contain the following information: a description of the nature of the request, a description of the property in question (using the street address if available), the time and place of the hearing, and when and where written comments will be received concerning the request.

**G. Decision on Application for Special Land Use Permit.** Notwithstanding

any provisions of this Ordinance to the contrary, a final decision on the special land use application and site plan approval shall be made by the Planning Commission within seventy-five (75) days of the receipt of the completed application by the Zoning Administrator. The Planning Commission shall base its decision upon the applicant's compliance with the requirements set forth in Section 23.15.D., and the standards set forth in Sections 20.06.D., 20.06.E., and 20.06.F. The decision on the site plan approval shall be made according to the requirements and standards set forth in Article 24 of this Ordinance.

The Planning Commission may impose reasonable conditions in conjunction with the approval of a special land use permit for a Sexually Oriented Business. The conditions imposed shall be limited to conditions necessary to ensure that the Sexually Oriented Business will not be unreasonably detrimental to the public health, safety, or general welfare of the Township; nor unreasonably injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; nor unreasonably impede the normal and orderly development and improvement of the surrounding property for uses permitted under the Zoning Ordinance. The Planning Commission shall incorporate its decision in a statement of conclusions that specify the basis for the decision and any conditions imposed.

**H. Appeals.** The decision of the Planning Commission shall be final.

Notwithstanding any provisions of this Ordinance to the contrary, if the Planning Commission denies an application for special land use permit, or approval of a site plan, or both, for a Sexually Oriented Business, the applicant shall not be allowed to appeal the Planning Commission's decision to the Township Zoning Board of Appeals. The applicant shall be entitled to prompt judicial review of the Planning Commission's decision in any court of competent jurisdiction.

### **Sec. 23.16 REQUIREMENTS FOR GROUP HOUSING.**

All group housing shall comply with the following requirements:

- A.** Total ground area occupied by all buildings and structures shall not exceed thirty-five percent of the net lot area. If the development site is designed for more than 25 dwelling units the development must comply with Section 23.06. Any conflict between this Section and Section 23.06, Section 23.06 shall apply.
- B.** No new group housing structure or parking area may be erected closer than 50 feet from any R-4 zone district boundary line, provided that a greater setback not to exceed 100 feet may be required by the Planning Commission in its discretion.
- C.** Parking shall be provided as required in Article 21 of this zoning ordinance. If it is established that the proposed use will generate an additional need for parking in excess of the minimum parking required by Article 21, the Planning

Commission, in its discretion, may require sufficient parking to meet the additional need.

- D.** A landscape plan satisfactory to the Planning Commission shall be required.
- E.** The entire front yard shall be landscaped with the exception of that area provided for paved vehicular drives or pedestrian access to and from the site.

### **Sec. 23.17 SUPPORT SERVICES RESIDENCES.**

All premises residences shall comply with the following requirements:

- A.** An on-site manager shall reside in the support services residence.
- B.** There shall be no more than 5 adult persons residing in the support services residence, exclusive of an on-site resident manager, his/her spouse and children.
- C.** If the use is to be conducted in an Existing dwelling, there shall be no change in the exterior appearance of the building or premises which would detract from its residential character.
- D.** If the use is to be conducted in a newly-constructed dwelling, the exterior appearance and character of the building shall resemble a single-family dwelling. In addition, the floor plan layout shall be such that the building can readily be adapted for use as a single-family dwelling.

### **Section 23.18 RESIDENTIAL OPEN SPACE DEVELOPMENT.**

- A. Intent of Residential Open Space Development.** These residential open

space development provisions are intended to allow variation from normal lot area and width standards for lots in subdivision plats and single-family condominium developments intended for single-family detached dwellings in the Agricultural (AG) and Rural and Rural Estate (RE) zones.

In order for a proposal to be considered eligible for a residential open space development the proposed development must demonstrate that it has natural features or amenities that can be beneficial to those persons who may reside in the development, the Township on behalf of its citizens and residents, and the public at large. If the development lacks these natural features or amenities, an applicant can propose to create such features and/or amenities. These features and amenities can be, but are not limited to, woodlands, steep slopes, ridgelines, wetlands, meadows, farm fields, stream corridors, lakes, structures with historic or aesthetic value, trailways and recreational facilities.

Traditional zoning standards, with their rigid requirements for size and width of lots and placement of dwellings, may be inappropriate for application to many of the rural areas of the Township, and may not best achieve the stated goals of the Township’s Master Plan. Goals for the Township which may possibly be better accomplished through the use of the Residential Open Space Development provisions include, but are not limited to, all of the following:

1. Development of open space areas along the Grand River.

2. Create buffers and other types of open space to separate agricultural operations in the Township from encroachment by non-agricultural uses.
3. Provide long-term protection and greater accessibility to natural areas through the placement of areas having sensitive environmental features into interconnected common open space in new developments.
4. Minimize the disturbance of woodlands, steep slopes, ridgelines, wetlands and stream corridors in the design of new development.
5. Protect the Township’s rural character by using creative designs, extensive landscaping, and the natural environment, with the least amount of change, as the base for the development plan.

**B. Comparison Plan Submittal.** An application for approval of a special use permit for a Residential Open Space Development shall include, in addition to all information required by Sec. 20.03, submittal of a “comparison plan,” which demonstrates, in a realistic and feasible manner, how the subject property could be developed in conformance with the applicable area regulations for the zoning district in which the subject property is located.

The comparison plan shall identify:

- a. existing or proposed public road right-of-way or private road easements.
- b. land permanently under water, including minor creeks and County drains.

- c. area within a regulatory “floodway,” as designated by the Federal Emergency Management Agency-see Sec.19.02.
- d. any and all areas that are unbuildable because of poor soils, wetlands, steep slopes, etc.
- e. existing topographic elevations.

The comparison plan shall include evidence of written approval by the Ottawa County Environmental Health Department of private wells and/or on-site sewage disposal if public water and/or public sewer are not available to the proposed development.

### C. Area Regulations.

1. **Minimum Development Acreage:** The minimum Gross Acreage of any Residential Open Space Development shall be ten (10) acres. The phrase “Gross Acreage” is defined for purposes of this Section 23.18 only as the total area of the development site including public rights-of-way and utility and access easements.
2. **Front Yard:** There shall be a front yard setback of not less than twenty-five (25) feet.
3. **Side Yard:** Minimum side yard setback shall be established by the Planning Commission as a condition of approval of a special use permit for a Residential Open Space Development, but in no event shall the side yard setback for each side yard be less than ten (10) feet.
4. **Rear Yard:** There shall be a rear yard of not less than forty (40) feet.
5. **Lot Area and Width:** The minimum

lot width and lot area for dwellings shall either be:

- (i) one hundred fifty (150) feet and fifteen thousand (15,000) square feet or
- (ii) one hundred (100) feet and thirty thousand (30,000) square feet of lot area.

Lots within a single Residential Open Space Development may comply with either requirement, i.e., on a lot by lot basis meet the 150 feet/15,000 square feet requirement or the 100 feet/30,000 square feet requirement.

### D. Maximum Density and Density Bonus.

1. **Maximum Density:** In the Agricultural and Rural (AG) District, the maximum dwelling unit density in a Residential Open Space Development shall be one (1) dwelling unit per net acre. In the Rural Estate (RE) District, the maximum dwelling unit density in a Residential Open Space Development shall be equal to the density the Planning Commission determines, as a condition of approval of a special use permit for a Residential Open Space Development, after it has considered the comparison plan, could reasonably be developed in conformance with the applicable area regulation for the zoning district in which the subject property is located, plus a density bonus, if applicable, as specified in paragraph 2, below. The phrase “net acre” is defined for purposes of this Section 23.18 only as the gross acreage of the development site excluding public rights-of-way and utility and access easements.
2. **Density Bonus:** The maximum dwelling unit density permitted in a Residential

Open Space Development in the Rural Estate (RE) District may be increased above that specified or determined as is provided in section D, paragraph 1 above, by a percentage determined by the percentage of the net acreage of the development site which is set aside as permanently protected open space. The permanently protected open space shall include those features and amenities identified in subsection A above or similar features and amenities. If the Planning Commission determines, as part of the special use approval procedure, that the development includes in the permanently protected open space the necessary features and amenities, the maximum permitted density increase shall be as follows:

**Percentage of Net Acreage in Protected Open Space.**

- less than 10%
- 10% - 19.9%
- 20% - 29.9%
- 30% - 39.9%
- 40% - 49.9%
- 50% - or more

**Percentage Increase in Density:**

- No increase permitted
- 10%, or 1.1 units per net acre
- 15%, or 1.15 units per net acre
- 20%, or 1.2 units per net acre
- 25%, or 1.25 units per net acre
- 30%, or 1.3 units per net acre

In the event the application of these percentages results in authorization for a fractional unit (0.6 as an example), the number of units shall be rounded up or down, as the case may be (0.6 or above round up; 0.5 or below round down).”

**E. Open Space Requirement:** All areas proposed as open space in a Residential Open Space Development shall comply with the following requirements:

1. Except as otherwise approved by the Planning Commission, as part of the special use approval no individual area designated as open space shall be less than 1 acre in size.
2. Land devoted to public or private street easements or rights-of-way shall not be included in computing the area of open space.
3. Access to open space areas which are suitable for active or passive use shall be provided from all areas of the development by means of public or private streets or pedestrian access ways. Connections with existing or planned pedestrian/bike paths and adjacent open space, and public land, may be required by the Planning Commission as a condition of approval of the special use permit.
4. Areas included as open space may be all or in part preserved and protected for the sole benefit, use and enjoyment of residents of the development. Where feasible and appropriate, the location and configuration of open space shall be coordinated with existing and potential open space lands on parcels in the surrounding area, in order to promote and encourage the development of an interconnected system of open space lands in the Township.
5. As a condition of approval of the special use permit, and prior to the construction of any dwelling unit within the development, the applicant shall be

required to establish a property owners' association (or other similar organization acceptable to the Township Planning Commission) of which all residents or occupants of the development shall be required to become members through appropriate plat or condominium restrictions, covenants, and conditions that run perpetually with the land. The property owners' association must be legally capable of assuming, and shall assume, the ownership of the open space and the obligation to maintain the open space as required by this Section. These arrangements and the implementing documentation shall assure that the open space will be protected from all forms of development, except as shown on the approved site plan, and shall never be changed to another use without prior Planning Commission approval. These arrangements and the implementing documentation shall:

- (A.) Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
- (1.) Dumping or storing of any material or refuse;
  - (2.) Activity that may cause risk of soil erosion or threaten living plant material;
  - (3.) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
  - (4.) Use of motorized off road vehicles;
  - (5.) Cutting, filling or removal of

vegetation from wetland areas;  
 (6.) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

- (B.) Transfer ownership of the dedicated open space to the property owners association.
- (C.) Require that the Dedicated Open Space be maintained by parties who have an ownership interest in the Open Space.
- (D.) Provide requirements for scheduled maintenance of the Open Space.
- (E.) Provide for maintenance to be undertaken by the Township of Allendale in the event that the Dedicated Open Space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

**F. Additional Development Requirements.**

1. All signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the development, shall be designed and completed with the objective of achieving an intergrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission may require street or site lighting where appropriate.
2. Construction of private roads as a means of providing access and circulation is encouraged. Private roadways within the development must meet all requirements of the Township

Private Road Ordinance. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies must be preserved. No lots in the Open Space Development may abut on a primary road or major arterial road.

3. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Township Planning Commission.
4. Both sides of all internal roads shall be landscaped with street trees. For road frontage that abuts individual lots or condominium building sites, a minimum of two (2) canopy trees shall be provided per dwelling. For road frontage that does not abut lots or condominium building sites, one canopy tree shall be provided on each side for every fifty (50') feet of road frontage. For any fraction of road frontage over fifty (50') feet an additional tree must be added. All trees are to be a minimum of two (2") caliper at the time of planting. Existing trees to be preserved within five (5') feet of the road right-of-way or easement may be credited towards meeting this requirement.
5. **Pedestrian Circulation.** Trails within the development may, as a condition of special use approval, be constructed of gravel, woodchip or other similar material, but the Planning Commission may require construction of eight (8') foot wide asphalt bike paths through portions of the development or along any public right-of-way abutting the

development. Locations for school bus stops shall be provided on the site plan.

**G. Standards For Approval Of Residential Open Space Development.**

In addition to complying with the standards for approval of a special use permit contained in Article 20, a Residential Open Space Development shall not be approved by the Planning Commission unless the Commission finds:

1. The proposed development complies with all requirements contained in this Section 23.18.
2. The development, in comparison to potential development of the property under the conventional district regulations, better achieves the stated goals and objectives of the Township Master Plan and the goals set forth in Section 23.18.A.

**Section 23.19 KENNELS**

*Updated 3-30-2020*

*Ord. No. 2020-2*

- A. All dog kennels shall be operated as a special use in conformance with all applicable County, State, and Federal regulations.
- B. Buildings wherein dogs are kept and/or exercise areas for the dogs shall not be located in any required front, rear, or side yard setback area. Any dog that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such dog at all times while outside the building or other enclosed area. All exercise or other outdoor areas shall only be utilized during a



continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.

- C. Enclosure areas for each dog shall meet or exceed the minimum area recommended by the United States Department of Agriculture Animal Welfare Act and Animal Welfare Regulations publication issued January 2017, or subsequent publication, or other professional organization upon supporting documentation provided to the Planning Commission. Each enclosure shall be of such construction as will adequately and comfortably house any dogs kept therein during any season of the year and its conditions shall meet the requirements of Section 300.1.5.5 of the Code of Ottawa County, Michigan,\* regarding Conditions of Kennel, which was codified on April 9, 2019, as it may be subsequently amended.
- D. All dog kennels shall be enclosed by a fence or other suitable barrier to a height that will contain the dogs and prevent exit from the Lot or premises. At minimum, all dog kennels shall meet the requirements of Section 300.1.5.4 of the Code of Ottawa County, Michigan,\* regarding double fencing, which was codified on April 9, 2019, as it may be subsequently amended.
- E. All noise and odors shall be contained within the Lot or premises and any such noise from barking or odor from the dogs shall be controlled by Section 300.1.6.4 of the Code of Ottawa County, Michigan,\* regarding Keeping of Animals, respectively, which was codified on April 9, 2019, as it may be

subsequently amended. Further, any such noise shall be controlled by Section 2 of the Allendale Charter Township Disorderly Conduct Ordinance.

- F. All Kennels shall provide the following:
  - i. Hours of operation, including outdoor animal activity
  - ii. The size, nature, character and dog capacity
  - iii. The proximity to adjoining properties
  - iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
  - v. Summary of operations and the handling of the dogs, including, but not limited to, the number of employees, the number of handlers available to each dog, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
  - vi. Measures to control sound from within the building and/or site.

\*Code of Ottawa County, Michigan available at [www.miottawa.org](http://www.miottawa.org)

**Section 23.20 RENEWABLE ENERGIES.**

*Updated 9-5-2022  
Ord. No. 2022-07*

**A. Purpose**

Renewable energies are a resource that can prevent fossil fuel emissions and reduce energy load. The purpose and intent of renewable energies is to promote the compatible use of solar, biofuel, and anaerobic digesters to assist

in decreasing the dependence of the Township on non-renewable energy systems and equipment within the township. The purpose of this Section is to establish guidelines for siting solar, biofuel, and anaerobic digesters, and other renewable energies that meet this purpose. The goals are as follows.

1. Promote the safe, effective, and efficient use of solar, biofuel, anaerobic digesters, and other alternative energies in order to reduce the consumption of fossil fuels in producing electricity.
2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of solar, biofuel, anaerobic digesters, and other alternative energies.
3. Establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of solar, biofuel, anaerobic digesters, and other alternative energies shall be governed.

#### B. Definitions

As used in this Chapter, the following terms shall have the indicated meanings.

1. Anaerobic Digester. A reactor in which microorganisms break down biodegradable material in the absence of oxygen, used for industrial or domestic purposes to manage waste and/or produce energy.
2. Anaerobic Digestion. A process through which bacteria break down organic matter – such as animal manure, wastewater biosolids, and food wastes in the absence of oxygen.
3. [Reserved for Future Use]
4. At-home. A biofuel reactor that is privately produced by the owner or tenant of a single-family dwelling.
5. Biofuel. Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel.
6. Building-Integrated Photovoltaic (BIPV) Systems. A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the facade and which does not alter the relief of the roof.
7. Collective Solar. Solar installations owned collectively through subdivision homeowner associations, “adopt-a-solar-panel” programs or other similar arrangements.
8. Condominium Development. A development that is created under the Condominium Act.
9. Decibel. A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.
10. Decommissioning. The process of terminating operation and

- completely removing a solar array and all related buildings, structures, foundations, access roads, and equipment.
11. **Digester Feedstocks.** Organic materials that are acceptable for inclusion within an anaerobic digester include livestock manure, waste animal feed, dead animals, yard waste or grass clippings, organic food processing waste, waste grease/trap grease, food waste intended for human consumption, by-products from ethanol, biodiesel, and algal production and other digester feed stocks approved by the Director of the Michigan Department of Natural Resources and Environment or its successor agency.
  12. [Reserved for Future Use]
  13. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
  14. **Farm.** That term as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472, as amended.
  15. **Flush-Mounted Solar Panel.** Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.
  16. **Freestanding or Ground-Mounted Solar Energy System.** A solar energy system that is a structure directly installed in the ground and is not attached or affixed to an existing structure.
  17. **General Common Element.** An area designated for use by all owners within a condominium development.
  18. [Reserved for Future Use]
  19. [Reserved for Future Use]
  20. [Reserved for Future Use]
  21. **Net-Metering.** A billing arrangement that allows solar, anaerobic digesters, or other renewable energy systems to receive credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of a billing period from an electricity provider.
  22. **Occupied Building.** A residence, school, hospital, church, public library, business, or any building used for public gatherings.
  23. **Operator.** The entity responsible for the day-to-day operation and maintenance of a property and its uses.
  24. **Owner.** The individual or entity, including any respective successors and assigns, who has an equity interest or owns a property, structure or use.
  25. **Photovoltaic (PV) Systems.** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

26. Proof gallon. That term as defined in 27 Code of Federal Regulations 19.907.
27. Renewable Energy Systems. Structures, equipment, devices or construction techniques used for the production of heat, light, cooling and electricity or other forms of energy on site and may be attached to or separate from the principal structure.
28. Rooftop or Building Mounted Solar System. A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.
29. [Reserved for Future Use]
30. [Reserved for Future Use]
31. Small-Scale Solar. Solar photovoltaic systems that produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems, which serve the building to which they are attached and do not provide energy for any other buildings.
32. [Reserved for Future Use]
33. [Reserved for Future Use]
34. Solar Access. Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/passive solar energy systems on individual properties.
35. Solar Collector. A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
36. Solar Energy Equipment/System. Solar collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.
37. Solar Panel. A device for the direct conversion of solar energy into electricity.
38. Solar Storage Battery. A device that stores electricity generated by solar energy from the sun and makes it available in an electrical form.
39. Solar-Thermal Systems. A system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.
40. Total Height. The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any antenna, or the maximum height reached by any part of a wireless communications facility or other structure permitted by this ordinance.
41. Tower. A freestanding monopole that supports a wireless

communications facility or other structure permitted by this Ordinance.

42. [Reserved for Future Use]

43. [Reserved for Future Use]

C. [Reserved for Future Use]

D. Permitted Principal Uses.

1. [Reserved for Future Use]

2. Biofuel

(i) A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property if all of the following requirements are met:

1. The biofuel production facility is located on a farm.
2. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located.
3. On an annual basis, not less than twenty-five (25%) of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than twenty-five (25%) of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

(ii) At-home biofuel production with an annual production capacity of not more than one thousand (1,000) gallons of biofuel for each passenger vehicle or light truck registered at the property is a permitted use on a residential property, if all of the following requirements are met:

1. Each passenger vehicle or light truck is operable, licensed to the owner or tenant of the property on which the At-home facility is located and is otherwise road worthy.
2. The parcel on which the At-home biofuel production occurs is at least one (1) acre in area.
3. The building or buildings in which the biofuel production is located shall be at least one hundred feet from any adjacent principal or accessory building on a separate property.
4. All biofuel produced on the property shall never be sold, distributed or otherwise used by any other vehicle than those registered at the property and meet the aforementioned requirements.
5. An operation plan shall be submitted to the Zoning Administrator providing detail regarding at least the following and any other information requested by the township:

- a. The registered vehicle(s)
  - b. Expected gallon production
  - c. The building or buildings utilized for the at-home biofuel operation
  - d. A site plan showing setbacks, parking, storage of fuel and surrounding uses.
  - e. Methods to control odor.
- (iii) Noise emanating from the operation of a biofuel production facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.
3. Anaerobic Digesters
- (i) An anaerobic digester facility is a permitted use of property if all of the following requirements are met:
    1. On an annual basis, more than fifty percent (50%) of the feedstock for for the anaerobic digester facility shall be produced on the farm where the facility is located.
    2. An anaerobic digester shall meet the following minimum isolation distances:
      - a. Two hundred (200) feet from waters of the state as defined in R 287.651(1)(u)(i) to (viii) of the Department of Agriculture and Rural Development.
      - b. Two (2) feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.
      - c. Not within a 10-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan Department of Environment, Great Lakes, and Energy or their successor organization, pursuant to the program established under the Michigan safe drinking water act, PA 399 of 1976, MCL 325.1001 to 325.1023, unless approved by the local unit of government administering the wellhead protection program. Where no designated wellhead protection area has been established, construction shall not be closer than the minimum isolation distance as stated on the well permit for a Type I or Type IIa public water supply. Facilities shall not be constructed closer than eight hundred (800) feet to a Type IIb or Type III public water supply unless the structure is located in accordance with Table 1 of the Natural Resources Conservation Service

- Technical Guide Waste Storage Facility (No) 313.
- d. Two hundred (200) feet from nearest non-farm residence.
3. Operators of an anaerobic digester must be qualified under the State of Michigan with both of the following:
- a. Complete an appropriate anaerobic digester operator certification course.
- b. Obtain certification by the Michigan Department of Agriculture and Rural Development as an anaerobic digester operator.
4. The disposition of digestate may be by direct application to soils, sale, or other transfer of ownership. Application to soils shall be done in accordance with the recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471.
5. Noise emanating from the operation of an anaerobic digester facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.
4. Solar
- (i) Small-Scale Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected but nothing contained in this provision shall be construed to prohibit Collective Solar installations or the sale of excess power through a net billing or net-metering arrangement.
- (ii) Solar Energy Equipment and Solar Energy Systems shall be permitted only if they are determined to not present any unreasonable safety risks, including but not limited to the following:
1. Weight load
  2. Wind resistance
  3. Ingress and egress in the event of fire or other emergency
- (iii) No Small Scale solar energy system or device shall be installed or operated except in compliance with this Section.
- (iv) No solar panel shall create glare, reflection or any other deflection of light on any adjacent property below the maximum height established for each district.
- (v) Building-Integrated Photovoltaic Systems and Solar-Thermal Systems are permitted in all zoning districts.

(vi) Rooftop and Building-Mounted Solar Collectors are permitted in all zoning districts subject to the following condition:

1. The maximum height of the zoning district in which the rooftop and building-mounted solar collectors are located shall not apply provided that such structures are erected only to such height as is reasonable necessary to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to adjacent and neighboring properties.

(vii) Safety

1. All solar collector installations shall be performed by a qualified solar installer.
2. Any connection to the public utility grid must be inspected by the appropriate public utility.
3. Solar energy systems shall be maintained in good working order.
4. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State of Michigan Building Code, currently in

effect, when in use. Any solar storage batteries that are no longer used shall be disposed of in accordance with the laws, regulations and ordinances of the State of Michigan and the Township or any other applicable enforcing agency.

5. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the owner of the property shall remove the collector, mount and associated equipment no later than ninety (90) days after the end of the twelve (12) month period.

(viii) Noise. Noise emanating from the operation of a solar energy system shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.

(ix) Stabilization. Any exposed ground on which the solar energy system is located shall be stabilized with perennial ground cover, agricultural crops, or any other organic use, such as livestock, as permitted by the underlying zoning district.

(x) Decommissioning.

1. The solar energy system owner(s) shall post a cash deposit or irrevocable letter of credit with the Township



- Supervisor or his/her designee in an amount necessary to decommission the solar energy system, which shall be adjusted every five (5) years for inflation. The solar energy system owner(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the solar energy system owner(s), and for a good cause, the Township Board may grant a reasonable extension of time. The solar energy system will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
2. If solar energy system owner(s) fails to complete decommissioning within the period prescribed above, the Township Board may use the cash deposit or irrevocable letter of credit to remove the solar energy system and may designate a contractor to complete decommissioning with any additional expense thereof exceeding the cash deposit or irrevocable letter of credit amount to be charged to the violator and/or to become a lien against the lot. At the time that the owner or operator submits an application for a solar energy system they shall authorize the Township, or its designated representatives, to enter upon the property on which the solar energy system is located for the purposes of completing the decommissioning process.
  3. In addition to the decommissioning requirements listed above, the solar energy system shall also be subject to the following:
    - a. Decommissioning shall include the removal of each solar energy system, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
    - b. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s). If the site is not to be used for agricultural practices following removal, the

site shall be seeded to prevent soil erosion.

**E. Permitted Special Uses with Conditions.**

1. (Reserved for Future Use)

2. Biofuel

(i) A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of subsection 23.20D2(i)1 and subsection 23.20D2(i)2 but that does not meet the requirements of subsection 23.20D2(i)3.

(ii) A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of subsection 23.20D2(i)1 and subsection 23.20D2(i)2.

(iii) An application for special land use approval for a biofuel production facility described in subsection (i) or (ii) above shall include all of the following:

1. A site plan as required under Article 24, including a map of the property and existing and proposed buildings and other facilities.

2. A description of the process to be used to produce biofuel.

3. The number of gallons of biofuel anticipated to be produced annually.

4. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.

5. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.

6. Information that demonstrates that the biofuel production facility will comply with the requirements of subsection (i) or (ii) above and (iv) below.

7. Any additional information requested by the Township.

(iv) Special land use approval of a biofuel production facility described in subsection (i) or (ii) above shall be made expressly conditional on the facility's

meeting all of the following requirements before the facility begins operation and no additional requirements:

1. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
  2. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - a. Air pollution emissions.
    - b. Transportation of biofuel or additional products resulting from biofuel production.
    - c. Use or reuse of additional products resulting from biofuel production.
    - d. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
  3. The biofuel production facility includes sufficient storage for both of the following:
    - a. Raw materials and fuel.
    - b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale or other legal use.
  4. Noise emanating from the operation of a biofuel production facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institued.
3. Anaerobic Digesters
    - (i) An anaerobic digester facility is a permitted special use of property if all of the following requirements are met:
      1. On an annual basis, not less than ten percent (10%) of the feedstock for the anaerobic digester facility shall be produced on the farm where the facility is located.
      2. An application for special land use approval for an Anaerobic Digester facility shall include a site plan in accordance with Article 24 of this ordinance and shall include all of the following:
      3. An anaerobic digetster shall meet the following minimum isolation distances:
        - a. Two hundred (200) feet from waters of the state as defined in R 287.651(1)(u)(i) to (viii)

- of the Department of Agriculture and Rural Development.
- b. Two (2) feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.
  - c. Not within a 10-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan Department of Environment, Great Lakes, and Energy or their successor organization, pursuant to the program established under the Michigan safe drinking water act, PA 399 of 1976, MCL 325.1001 to 325.1023, unless approved by the local unit of government administering the wellhead protection program. Where no designated wellhead protection area has been established, construction shall not be closer than the minimum isolation distance as stated on the well permit for a Type I or Type IIa public water supply. Facilities shall not be constructed closer than eight hundred (800) feet
    - d. Two hundred (200) feet from nearest non-farm residence.
4. Operators of an anaerobic digester must be qualified under the State of Michigan with both the following:
    - a. Complete an appropriate anaerobic digester operator certification course.
    - b. Obtain certification by the Michigan Department of Agriculture and Rural Development as an anaerobic digester operator.
  5. Noise emanating from the operation of an anaerobic digester facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.
  6. The disposition of digestate may be by direct application to soils, sale, or other transfer of ownership. Application to soils shall be done in accordance with the
    - to a Type IIb or Type III public water supply unless the structure is located in accordance with Table 1 of the Natural Resources Conservation Service Technical Guide Waste Storage Facility (No) 313.

recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471

#### 4. Solar

(i) Small Scale Free-Standing and Ground-Mounted Solar Collectors are permitted in all zoning districts, subject to the following conditions, and that otherwise comply with the provisions of Section 23.20D4 of this ordinance:

1. The location of the solar collectors shall meet all applicable setback requirements for accessory structures in the zoning district in which it is located.
2. All solar collectors shall be adequately screened with architectural features or landscaping such as berms, trees, or shrubs that prevent their visible exposure to any right-of-way and preserves the character of the property and surrounding area. An architectural or landscaping plan shall be submitted for approval to the Zoning Administrator.
3. Solar energy equipment shall be located in a manner that does not shade any adjacent property at any time of the daylight hours.

(ii) Large-Scale Solar energy collectors shall be permitted within the Agricultural and Rural District, Rural Estates District, Industrial District, and the Planned Unit Development District, as a special use only to provide power for off-site consumption. On-site consumption is permitted as a secondary use.

(iii) An application for special land use approval for a Large-Scale Solar facility shall include a site plan in accordance with Article 24 of this ordinance and shall include all of the following:

(iv) Solar Energy Equipment and Solar Energy Systems shall be permitted only if they are determined to not present any unreasonable safety risks, including but not limited to, the following:

1. Weight load
2. Wind resistance
3. Ingress and egress in the event of fire or other emergency

(v) No Large Scale Solar energy system or device shall be installed or operated except in compliance with this Section.

(vi) No solar panel shall create glare, reflection or any other deflection of light on any adjacent property below the maximum height established for each district.

(vii) Building-Integrated Photovoltaic Systems and Solar-Thermal Systems are permitted.

(viii) Rooftop and Building-Mounted Solar Collectors are permitted, subject to the following condition:

1. The maximum height of the zoning district in which the rooftop and building-mounted solar collectors are located shall not apply provided that such structures are erected only to such height as is reasonable necessary to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to adjacent and neighboring properties.

(ix) Free-Standing and Ground-Mounted Solar Collectors are permitted, subject to the following conditions:

1. The location of the solar collectors shall meet all applicable setback requirements for principal structures in the zoning district in which it is located.
2. All solar collectors shall be adequately screened with architectural features or landscaping such as berms, trees or shrubs that prevent their visible exposure to any right-of-way and preserves the character of the property

and surrounding area. An architectural or landscaping plan shall be submitted as part of site plan review.

3. Solar energy equipment shall be located in a manner that does not shade any adjacent property at any time of the daylight hours.

(xi) Safety

1. All solar collector installations shall be performed by a qualified solar installer.
2. Any connection to the public utility grid must be inspected by the appropriate public utility.
3. Solar energy systems shall be maintained in good working order.
4. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State of Michigan Building Code, currently in effect, when in use. Any solar storage batteries that are no longer used shall be disposed of in accordance with the laws, regulations and ordinances of the State of Michigan and the Township or any other applicable enforcing agency.

5. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the owner of the property shall remove the collector, mount, and associated equipment no later than ninety (90) days after the end of the twelve (12) month period.
- (xii) Noise. Noise emanating from the operation of solar energy system shall not exceed 45dB(A), as defined by the American National Standards Institute, at all lot lines.
- (xiii) Stabilization. Any exposed ground on which the solar energy system is located shall be stabilized with perennial ground cover, agricultural crops, or any other organic use, such as livestock, as permitted by the underlying zoning district.
- (xiv) Decommissioning.
1. The solar energy system owner(s) shall post a cash deposit or irrevocable letter of credit with the Township Supervisor or his/her designee in an amount necessary to decommission the solar energy system, which shall be adjusted every five (5) years for inflation. The solar energy system owner(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the solar energy system owner(s), and for a good cause, the Township Board may grant a reasonable extension of time. The solar energy system will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
  2. If the solar energy system owner(s) fails to complete decommissioning within the period prescribed above, the Township Board may use the cash deposit or irrevocable letter of credit to remove the solar energy system and may designate a contractor to complete decommissioning with any additional expense thereof exceeding the cash deposit or irrevocable letter of credit amount to be charged to the violator and/or to become a lien against the lot. At the time that the owner or operator submits an application for a solar energy system they shall authorize the Township, or its designated representatives, to enter upon the property on which the solar energy system is located for the purposes of completing the decommissioning process.

3. In addition to the decommissioning requirements listed above, the solar energy system shall also be subject to the following:

*Updated 9-1-2019  
Ord. No. 2019-10*

*Updated 3-30-2020  
Ord. No. 2020-2*

*Updated 10-26-2020  
Ord. No. 2020-4*

*Updated 10-26-2020  
Ord. No. 2020-5*

a. Decommissioning shall include the removal of each solar energy system, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.

*Updated 9-5-2022  
Ord. No. 2022-07*

b. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s). If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

*Updated 7-6-13  
Ord. No. 2013-1*

*Updated 6-12-17  
Ord. No. 2017-7*

*Updated 8-3-14  
Ord. No. 2014-10*

*Updated 10-16-17  
Ord. No. 2017-10*

*Updated 12-22-14  
Ord. No. 2014-11*

*Updated 1-1-18  
Ord. No. 2017-13*

*Updated 9-14-2015  
Ord. No. 2015-1*

*Updated 7-1-2018  
Ord. No. 2018-6*

*Updated 2-1-2016  
Ord. No. 2016-2*

*Updated 4-14-2019  
Ord. No. 2019-5*



**ARTICLE 24  
SITE PLAN REVIEW**

Updated 2-28-2022

**Sec. 24.01 PURPOSE.**

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Township; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance; and to achieve the purposes of the Allendale Township Master Plan.

- 3. A change in the principal use of a building or property such that additional parking spaces are required by this Ordinance.
- 4. Special Land Uses and Planned Unit Developments.
- 5. Mobile Home parks.
- 6. Parks and recreation areas.
- 7. All other uses requiring Site Plan approval as required by this ordinance.

**Sec. 24.02 SITE PLAN REQUIRED**

A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

**A. Planning Commission** review is required for the following:

- 1. Construction of a new non-residential principal building or permitted principal use or a new residential principal building or principal permitted use containing three (3) or more dwelling units.
- 2. An alteration or enlargement of an existing building or property such that additional parking spaces are required by this Zoning Ordinance.

**B. Staff Review.** The following uses shall be reviewed by the Township Zoning Administrator and may be reviewed by the Township Planner and Township Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the Site Plan review requirements and all other applicable requirements of the Zoning Ordinance.

The Zoning Administrator may also refer the following uses, except for farm buildings, to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance. Review of site plans by staff shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and

submittal date shall be subject to the discretion of the Zoning Administrator.

The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

1. Expansion of an existing use or building which does not increase the intensity of the use or result in the need for additional parking as required herein and which would not otherwise require review by the Planning Commission.
2. Construction of a building or structure which is accessory to the principal use or building.
3. For farm buildings as defined herein in applicant shall provide an accurate drawing to the Zoning Administrator illustrating the property proposed for the building, dimensions of the building, setbacks from lot lines and other information pertaining to the building, as may be required by the Zoning Administrator to determine compliance with applicable Township Ordinances. A building permit is not required for a farm building except as may be required by the State of Michigan Construction Code.

**C. Exemptions.** The following shall be exempt from Planning Commission and

Zoning Administrator review of their site plans in all districts:

1. A single or two family dwelling or mobile home on a lot on which there exists no other principal building or use.
2. The removal of 1000 yards or less of topsoil, sand, gravel, or minerals.
3. The Planning Commission may waive site plan review for a particular project or for a particular class of projects.

**Sec. 24.03 APPLICATION REQUIREMENTS.**

An application for site plan review along with twelve (12) site plans as required by the Township shall be submitted to the Township offices along with the fee as set by the Township Board in accordance with the submittal schedule established by the Planning Commission which is available in the Township offices.

In addition to the site plan prints the applicant shall also provide an electronic version of the site plan in a form acceptable to the Township. The application shall at a minimum contain the following information:

- A.** The applicants name, address and phone number.
- B.** Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.

- C. The name, address and phone number of the owner(s) of record if different from the applicant.
- D. The address of the property.
- E. Legal description of the property.
- F. Current zoning.
- G. Project description.
- H. Size of the parcel in acres.
- I. Signature of the applicant and owner of the property.

**Sec. 24.04 PRELIMINARY SITE PLAN CONTENTS & PROCEDURES.**

- A. If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.
- B. Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.
- C. Upon receipt of the preliminary site plan and application, the preliminary plan may be forwarded to the Township Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.

- D. The preliminary site plan shall be drawn at a scale of not more than inch equals 100 feet (1"=100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.
  - 1. Lot lines with dimensions.
  - 2. Existing adjacent streets and proposed streets, public or private, as well as buildings and land uses within 100 feet of the site.
  - 3. Parking lots and access points.
  - 4. Proposed buffer strips or screening.
  - 5. Existing and proposed buildings.
  - 6. Building Setbacks from lot lines.
  - 7. Proposed method of providing public or private utilities including storm drainage.
  - 8. Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.
  - 9. A separate site analysis illustrating existing site conditions including but not limited to open space, stands of trees, water courses, wetlands, ponds, floodplains, hills and general topographical features including existing contour intervals not greater than two feet.
- E. The Planning Commission shall review the preliminary site plan and may make

recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this Ordinance.

The scale shall not be more than 1" = 20' if the site is less than two acres, 1" = 40' if the site is less than six (6) acres, and 1" = 100' feet if the site is greater than six (6) acres.

**Sec. 24.05 FINAL SITE PLAN CONTENTS & PROCEDURES**

**A.** If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval except for all PUD applications requiring approval by this Ordinance. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.

**B.** Upon receipt of the site plan and application, a copy may be forwarded to the Township Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.

**C. Final Site Plan Requirements.** Applications for final site plan review shall submit three separate plans: one that contains the information below for the section entitled Final Site Plan Contents, one that illustrates the existing site analysis as noted below and a landscape plan. All plans shall contain the following information unless specifically waived by the Zoning Administrator or Planning Commission in whole or in part.

**D. Final Site Plan Contents**

1. The date, north arrow and scale.

2. The name, firm and professional seal of the engineer, architect, surveyor or landscape architect who prepared the site plan.
3. Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.
4. A sketch drawn to scale illustrating the location of the site within the Township.
5. Legal description and common or popular description of the subject property.
6. The size in acres and square feet of the subject property.
7. All lot or property lines are to be shown with bearings and dimensions, including building setback lines on corner lots.
8. The location of all existing structures within one hundred (100) feet of the subject property's boundary.
9. The location of all existing and proposed structures on the subject property.

10. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, parking areas including total number of parking spaces, recreation areas, common use areas, and areas to be conveyed for public use and purpose.
  - a. The net residential area which is total size of parcel minus any portion of the site within the road right-of-way expressed in acres and in square feet.
  - b. The number of dwelling units proposed (be type) and the number of bedrooms for each type.
  - c. Typical lot size dimensions if detached housing is contemplated;
  - d. Typical elevation views of the front and side and rear of each type of building;
  - e. Proposed density of the net residential site.
11. The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements. Land must be reserved and shown on the site plan for any future streets illustrated on the Township Master Plan that are located on the site.
12. The existing zoning of all properties abutting the subject property.
13. The location and size of all subsurface and surface water drainage facilities, existing and proposed; and any established floodplain areas, bodies of water or other unbuildable areas if present on the site.
14. Existing and proposed contour intervals shall be shown at not less than two (2) feet intervals.
15. Size and location of existing and proposed hydrants and utilities, including proposed connections to public sewer or water supply systems.
16. Architectural elevations of the proposed building or buildings.
17. Summary schedules and views should be affixed as applicable in residential development, which give the following data:
  - a. The net residential area which is total size of parcel minus any portion of the site within the road right-of-way expressed in acres and in square feet.
  - b. The number of dwelling units proposed (be type) and the number of bedrooms for each type.
  - c. Typical lot size dimensions if detached housing is contemplated;
  - d. Typical elevation views of the front and side and rear of each type of building;
  - e. Proposed density of the net residential site.
18. Proposed phasing.
19. Solid waste disposal facilities are required and shall be designed and located in accordance with Section 24.06.H.
20. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or by State or Federal Agencies.

21. The size, location, and lighting of all permanent signs and outdoor advertising structures or features shall be shown on the site plan.
22. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on public safety, existing utilities, the environment and natural features.
23. The Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

**E. Site Analysis Plan.** This plan shall illustrate the existing site conditions including but not limited to open space, stands of trees, water courses, wetlands, ponds, floodplains, hills, and general topographical features including existing contour intervals not greater than two (2) feet. See Figure 1 at end of Article.

**F. Landscape Plan.**

This plan shall be prepared at a scale of 1" = 20' or larger which, at a minimum, shall include;

1. The name, address and seal of the landscape architect responsible for the preparation of the landscaping site plan.
2. Property dimensions for the subject property and a north arrow.

3. The location, type, and size of major existing plant materials, including all trees, with information as to which materials will be removed, retained, or relocated.
4. The location, type, and size (tree, shrub, ground cover, or grass) of proposed landscaping in the proposed landscape areas.
5. The location and a description of proposed earth berms, walls, fences, screens, sculptures, fountains, street furniture, and light fixtures.
6. The location, size and surface materials proposed for storm water detention areas, parking areas, driveways, curb cuts, and sidewalks or pedestrian walkways.
7. The location, type and other pertinent information related to the irrigation system.
  - a. The irrigation system shall be designed for the efficient use of water by reducing runoff, low head drainage, overspray, and other similar conditions where irrigation water flows onto areas not intended for irrigation, such as adjacent property, hardscapes, roadways, or structures.
  - b. Bedrock Aquifer wells may be used only when connection to a public water system or a natural water source system utilizing rain water, surface water, or Glacial Aquifer well water capable of providing sufficient volume, is not reasonably available.

- c. The irrigation system shall be designed utilizing current soil and groundwater data to employ optimal watering and fertilization techniques that ensure landscaping is provided in accordance with Article 21A herein. Soil additives shall not increase the sodium chloride levels of the groundwater.
- d. All irrigation systems shall be equipped with automatic irrigation controllers utilizing weather or soil-moisture data to prevent overwatering.
- e. Flow sensors that detect high flow conditions created by system damage or malfunction are required to be installed.
- f. Dedicated landscape water meters shall be required for landscape areas greater than 1,000 square feet.
- g. When required by the Township, all owners of underground irrigation systems shall document weekly meter reads for early identification of leaks, stuck valves, or any abnormalities in the irrigation system. Documented meter reads are subject to inspection by the Township at any time. The Township may require documented meter reads to be submitted.
- h. Irrigation systems shall be kept in good working condition and repair to prevent leaks or public health hazards. Any owner, manager, or person responsible for the day-to-day operation of

any premises shall, within seventy-two (72) hours after such person first learns of a leak, break, or defect, repair any irrigation system.

*Updated 4-14-2019*

*Ord. No. 2019-5*

- 8. The areas proposed to be landscaped in conjunction with buildings or buildings or parking lot improvements and those areas proposed for landscaping in connection with future development.
- 9. A certification by a licensed landscape architect that the plan satisfies the requirements of the Ordinance subsection.

**G. Final Site Plan Approval Procedures.**

- 1. The Planning Commission shall review the site plan according to the general standards for site plan review as contained in this Article and any other applicable regulation of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve the site plan with conditions.
- 2. If approved, the applicant shall revise the site plan as required by the Planning Commission and submit the final site plan to the Zoning Administrator, Township Planner, Engineer, Fire Chief or others as necessary to insure that all revisions as required by the Planning Commission have been made. The Commission may require that the revised site plan be brought back to the Commission before approval is granted.

3. Upon approval of the final site plan three (3) copies of this plan shall be stamped as approved, dated and signed by the Planning Commission Chair or the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, one shall be retained by the building inspector as part of the building permit review process, and one copy shall be kept by the township. The applicant shall also provide an electronic version of the Final Site Plan in a form acceptable to the Township.

**H. Issuance of Building Permit.** The Building Inspector shall issue a building permit upon receipt of an approved final site plan, providing all other applicable Township regulations have been met including compliance with the Township building code.

**24.06 STANDARDS FOR APPROVAL.**

Prior to approving a site plan, the Planning Commission shall require that the following standards and requirements be satisfied. If these standards and all other requirements of applicable Township ordinances are met, the site plan shall be approved.

**A. General Access Requirements.**

1. The Planning Commission shall have the authority to require a frontage road or rear service drive for contiguous parcels along Lake Michigan Drive (M-45) or other streets as deemed necessary. The Planning Commission shall also have

the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, that opposite driveways be directly aligned and that specific turning movements be restricted or prohibited.

In determining whether the above or other access control measures are necessary, the following criteria shall be considered:

- a. The type and location of commercial uses on the site and adjacent to the site.
- b. The location, size and design of existing and proposed parking areas.
- c. The existing and projected traffic volume on the roadway and adjacent roadways.
- d. Compatibility between adjacent land uses and likelihood of change or expansion.
- e. Number of parcels involved, location of lot lines and amount of road frontage.
- f. Topography and site distance along adjacent roadways and on the site.
- g. Distance from intersections.
- h. Location of driveways opposite the site.



- i. Width of roadway and number of lane.
  - j. Environmental limitations (steep slopes, water, or vegetation).
  - k. Sufficient building setback.
  - l. Recommendation of the Township Master Plan.
2. The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions; 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 and provide for vehicle access between adjoining parcels where practicable.
  3. All buildings or groups of buildings shall be arranged to permit necessary emergency vehicle access as requested by the Township Fire Department.
  4. All streets and driveways shall be developed in accordance with the Township Subdivision Ordinance, the Ottawa County Road Commission or Michigan Department of Transportation (MDOT) specifications, or developed as a private road in accordance with the requirements for

private roads as contained in the Ordinance.

**B. Environmental Considerations:**

1. Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features, or other buildings.
2. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
3. Storm water management:  
Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. If practical, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground drainage system. Temporary on-site storage to reduce

peak run-off from the site is encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

continuous and constructed of dissimilar materials than that of the parking lot or driveway i.e.: colored and/or stamped concrete, brick pavers, etc. All such walkways shall be a minimum of five (5) feet wide.

**C. Sidewalks and Pedestrian Circulation.**

1. Sidewalks shall be provided along those portions of the site which have frontage on a public or private street for safe pedestrian movement, and to enhance the pedestrian accessibility of the site. The sidewalks shall be designed to Ottawa County Road Commission standards.

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 shall be provided to the Township. Sidewalks shall be installed in conjunction with the development of the site unless arrangements are approved by the Commission to install the sidewalks at a subsequent date.

2. All commercial retail and service establishments shall include a pedestrian walkway adjoining the establishment's front wall and running the length of the front wall and interconnected to the pedestrian walkways(s) along the public or private roads and driveways.
3. All internal pedestrian walkways extending through the parking driveways and access aisles shall be

4. In the commercial and office zoning district and for such uses in a PUD zoning district a sidewalk shall be provided from the principal building to the sidewalk within any public right of way abutting the site. Such sidewalk shall be a minimum of eight (8) feet wide in order to serve as a recognizable entrance point to the public. The Planning Commission may allow modifications to this requirement if, in the opinion of the Commission, such sidewalk is impractical due to the type of business, the likelihood of pedestrian use, the design of building, the distance to the public sidewalk or a practical difficulty due to natural site features.
5. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.

**D. Landscaping and Buffering.**

1. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Township's landscape provisions.
2. The site plan shall provide reasonable visual and sound privacy

for adjacent dwelling units and for dwelling units on the proposed site. Fences and walls may be required by the Planning Commission, as appropriate to accomplish these purposes. The finished side of any wall or fence shall face adjacent properties.

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 where available. Onsite sewage systems shall be approved by the Ottawa County Health Department.

**E. Lighting.**

1. Lighting fixtures used to illuminate off-street parking areas and all other exterior lights including building lights shall be located, aimed, and shielded so as to minimize light trespassing across property boundaries and shall be so arranged as to deflect the light away from adjoining residential properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within one hundred fifty (150) feet of any residential zoning district are shall not exceed twenty (20) feet in height. All other fixtures shall not exceed thirty five (35) feet in height. Light fixtures shall be designed to achieve total luminary cutoff.
2. The Planning Commission may require additional lighting for internal pedestrian walkways to avoid any dark areas.

**F. Utility Service.**

New electric and telephone distribution lines shall be underground. Any existing utility installations remaining above ground shall be located so as to

**G. Outdoor Features.**

1. Exposed storage areas, exposed machinery installations, fuel storage tanks, product storage tanks, outdoor mechanical equipment, roof top mechanical equipment, service areas, truck loading areas utility buildings and structures, and similar accessory areas shall be subject to such setbacks, 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.
2. In the case of roof top equipment, all site plans shall include exterior wall parapets, a minimum of four 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 site plans as well as the proposed appropriate screening and materials.
3. Outside storage of materials and equipment and loading and

unloading operations is permitted, subject to the following restrictions:

- a. Materials may be stored only in the side or rear yards.
- b. All storage of materials and equipment used in the business except licensed vehicles shall be visually screened by a vertical screen consisting of structural or plant materials not less than six (6) feet in height above the highest elevation of the nearest adjacent road or property bordering the site unless in the opinion of the Planning Commission or other approving authority the material is stored in a manner that it's not readily visible from off site or that the materials located such a substantial distance form adjacent properties and roadways that it is not a visual nuisance as seen form off site.

**H. Waste Disposal Facilities.** A site plan shall identify the location of solid waste disposal facilities and provide 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 pickup. Every dumpster or container shall be equipped with a lid or other top covering unless the enclosure adequately screens the contents above the dumpster opening.

2. **Enclosures.** All dumpsters and other appropriate containers shall be placed in an enclosure constructed as follows:

- a. An enclosure shall be constructed with durable materials that compliment and match the materials used in the principal structure. Chain link with slats is prohibited.
- b. An enclosure shall provide a solid visual screen on all four (4) sides. An enclosure containing separate pedestrian access from the gate opening shall ensure the same solid visual screen when viewed from a public or private street.
- c. The front of the enclosure shall be gated and shall include property hardware to secure the gate in a stationary position when open and closed. The bottom of the gate shall be installed at least six (6) inches above grade level. The gate shall be affixed to steel bump guard posts of no less than six (6) inches in diameter and which are completely filled with concrete.
- d. The interior back wall of the enclosure shall be protected with steel bump guard posts located at least one (1) foot from the interior of the side and back walls. The bump guard posts shall be spaced three (3) feet apart. All steel bump guard posts shall be no less than six (6) inches in diameter and completely filled with concrete.

- e. For any enclosure containing a dumpster or other appropriate container, the minimum interior width of the enclosure and its opening shall be ten (10) feet and shall be clear of obstructions, including the gate, its hinges, and steel bump guard posts. In addition, at least two (2) feet of clearance from the side walls of the enclosure shall be provided. Where enclosures contain more than one (1) dumpster or container, the minimum interior width shall equal the combined widths of the dumpster/container plus a minimum of two (2) feet clearance from each side. The minimum interior length for all enclosures containing a dumpster shall be at least two (2) feet greater than the length of the dumpster or dumpsters it contains.
- f. Any enclosure constructed prior to the adoption of this language shall only be replaced pursuant to this Section, to the extent practicable as determined by the Zoning Administrator, and may not be restored or repaired in accordance with Section 26.04.
3. All enclosures shall be located in the rear yard or the side yard. When located within an approved outdoor storage area, any dumpster may be absent an enclosure only if the outdoor storage area achieves the same or greater visual screening on all four (4) sides of the dumpster and meets the provisions of Section 24.06H2d and Section 24.06H2e, as if an enclosure was present, and shall meet Section 24.06H4 through Section 24.06H6.
4. Access Lane. The site plan shall provide an open space as an access lane to an enclosure containing a dumpster. 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.
5. Turning Lane. The site 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.
6. Parking Restrictions. No parking spaces shall be permitted in the access lane or the turning lane.
- Updated 2-28-2022  
Ord. No. 2022-01*
- I.** The location and dimensions of all existing and proposed structures on the subject property.
- J. Building Appearance.** In granting site plan review approval, the Zoning Administrator or Planning Commission shall require certain designs, textures, colors, or architectural treatments for any building or structures, which in its judgment 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.

1. **Commercial and Mixed Use Buildings:** That portion of the building which faces a public or private street, parking lot, or residential zoning district shall be finished with brick, architectural masonry block, stone, glass or a combination of these materials. A minimum of ten percent (10%) of the building which faces a public or private street or customer parking lot shall contain glass windows or a similar glass product, such as spandrel glass, or completely or partially opaque glass.
2. **Multi-Family dwellings:** Brick, architectural masonry block, cement board and stone. These materials shall be used for a minimum of fifty (50%) percent of all exterior wall areas in combination with dryvit, stucco, vinyl, EFIS, metal with enclosed fasteners, and similar materials.
3. **Industrial:** A minimum of 50 percent of that portion of the building which faces a public or private street or a residential zoning district shall be finished with brick, architectural masonry block, cement board, glass, stone or combination of those materials.

The remaining exterior walls if not finished with the materials noted in the preceding paragraph shall be finished with stucco, EFIS,

architectural metal panels consisting of a minimum of 24-gauge metal with a minimum rib height of 1¼ inches or a combination of these materials or similar materials. Exposed fasteners shall match the color of the metal finish.

4. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they meet the intent of this Section, are compatible with surrounding properties, and further provided that such materials shall comply with the architectural, safety and other requirements of the Township building codes, fire code and other applicable Township Ordinances.

*Updated 2-28-2022  
Ord. No. 2022-01*

**K.** Site plans shall conform to all applicable requirements of County, State and Federal statutes and approval may be conditioned on the applicant receiving necessary County, State and Federal permits before final site plan or an occupancy permit is granted.

**L. Traffic Impact Study**

1. **Trip Generation Analysis.** To ensure adequate information is provided to evaluate the impact on traffic operations, any proposed land use that is expected to generate fifty (50) peak hour directional trips or seven hundred fifty (750) trips during a typical day shall provide a trip generation analysis. Calculations of trips shall be based on the most recent edition of Trip

Generation published by the Institute of Transportation Engineers. The applicant shall be responsible for providing the traffic calculations for review. Where no information is provided the Township shall make the determination using a transportation engineer of their choosing at the applicant’s expense.

2. Traffic impact study. Submittal of a traffic impact study may be required for any proposed land use that is expected to generate the number of trips identified within Section 24.06L(1) of this Section or where modifications from the generally applicable access spacing standards are proposed. The traffic impact study shall be prepared by a licensed professional engineer with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with Section 24.06L(3) of this Section and accepted practices as described in the handbook “Evaluating Traffic Impact Studies, a Recommended Practice for Michigan,” developed by the Michigan Department of Transportation and other Michigan transportation agencies.
3. Level of Service Standards. The traffic impact study shall prove the proposed land use can be accommodated by the existing road system without degradation in the level of service, as defined in the Highway Capacity Manual published by the Transportation Research Board of the National Academies, below one Level of

Service (LOS) (example from B to C) but in no case shall any movement(s) be projected at a LOS below D, unless improvements are being made to address the proposed land use.

*Updated 9-1-2019  
Ord. No. 2019-10*

**Sec. 24.07 CONDITIONS OF APPROVAL**

- A. As part of an approval of any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 24.06 are met.
- B. The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county, state or federal agency. It may do so when such conditions:
  1. Will ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service a facility loads caused by the land use or activity;
  2. Will protect the natural environment and conserve natural resources and energy;
  3. Will ensure compatibility with adjacent uses of land;
  4. Will promote the use of land in a socially and economically desirable manner.

- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership or control.
- D. A record of conditions imposed shall be maintained by the Township. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E. A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be department as part of the minutes of the Planning Commission.
- F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

**Sec. 24.08 VALIDITY OF APPROVED SITE PLANS.**

- A. Approval of the final site plan is valid for a period of two (2) years unless extended as allowed herein. If actual construction of a substantial portion of improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.
- B. Upon written application filed prior to the termination of the two (20 year

validity period, the Planning Commission may authorize an extension of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one (1) year extension.

**Sec. 24.09 PLAT REQUIREMENTS.**

A surety company performance bond acceptable to the Township, irrevocable bank letter of credit, certified check or cash deposit, conditioned upon construction and development in accordance with the requirements of this Ordinance and the Final Approved Site Plan and all of its components, may be required by the Planning Commission to be filed with the Zoning Administrator at the time of issuance of a building permit. The bond, letter of credit, certified check or deposit shall be in such amount and for such period of time as, in the discretion of the Planning Commission, appears adequate to ensure compliance with the requirements of this Ordinance and the approved Final Site Plan and all of its components.

**Sec. 24.10 AMENDMENTS TO APPROVED SITE PLAN**

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- B. A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and



that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings by not more than ten (10) feet.
3. Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
4. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
5. Changes required or requested by the Township for safety reasons.
6. Changes which will preserve the natural features of the site without changes the basic site layout.
7. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

C. The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval,

regardless of whether the change may qualify as a minor change. In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

D. If the Zoning Administrator determines that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

**Sec. 24.11 EXPANSION OF EXISTING USE, STRUCTURE, OR BUILDING.**

It is recognized that land uses, buildings, and structures are existing which do not conform to the current regulations of this Ordinance and as such do not achieve the intended purposes of this Ordinance. When these uses, buildings, and structures are proposed to be expanded, enlarged, or increased in intensity so that a site plan review is required per Section 24.02 herein, the following regulations shall apply:

A. The site development standards used in reviewing site plans shall be applied to existing uses, structures or buildings when they are affected by any expansions, enlargements or increases in intensity. These standards shall be applied if it is determined that as a result of such expansions, enlargements or increases in intensity, any of the following situations exist:

1. Existing stormwater drainage provisions on site are inadequate to protect nearby lakes, streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties and do not substantially comply with the Ottawa County Stormwater Management Ordinance.
2. There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust, and to reduce gravel and soil runoff into the public stormwater drainage system.
3. Existing driveways may result in hazardous vehicle movements.
4. Additional plantings are needed in order to comply with the intent of the Allendale Township landscape regulations or to replace trees and shrubs previously removed, or screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
5. Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of service drives to improve traffic circulation and reduce the number of turning movements onto the public street system.
6. Safety for pedestrians can be improved and better emergency vehicle access can be provided.
7. Better lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties.

8. Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
  9. Sidewalks are needed to improve pedestrian safety.
- B. In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission shall be guided by the following criteria:
1. Whether compliance would ensue safer on site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this Section.
  2. The practicality of requiring complete compliance with the applicable regulations of this Ordinance based on the existing design, layout, and operation of the existing use and size of the site or if only partial compliance would be more practical.
  3. Whether or not requiring compliance would have a negative impact on the character, safety and welfare of the neighborhood or surrounding area.

**FIGURE 1  
EXAMPLE OF SITE ANALYSIS  
(SEE NEXT PAGE)**

**FIGURE 1  
EXAMPLE OF SITE ANALYSIS**



**DESCRIPTION**

THE WEST 210 FEET OF BLOCK 30 (ALSO KNOWN AS LOT 30) OF J. POTTER HART'S SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, ALSO BLOCK 30 (ALSO KNOWN AS LOT 30) OF J. POTTER HART'S SUBDIVISION, EXCEPT THE WEST 210 FEET THEREOF, AND ALSO EXCEPT THE SOUTH 317 FEET OF THE REMAINDER.

**GENERAL NOTES**

1. UTILITIES SHOWN (IF ANY) ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THIS MAP IS NOT TO BE INTERPRETED AS SHOWING EXACT LOCATIONS OR SHOWING ALL UTILITIES IN THE AREA.
2. NOTE TO CONTRACTORS: THREE WORKING DAYS BEFORE YOU DIG CALL MISS DIG AT 1-800-482-7171.
3. CONTOUR INTERVAL = 1 FOOT.
4. BENCHMARK: 8M17 FROM NATIONAL FLOOD INSURANCE PROGRAM FLOOD BOUNDARY AND FLOODWAY MAP COMMUNITY PLANS, NUMBER 200281-0002 & DATED FEBRUARY 11, 1978 - APPROXIMATELY 1750 FEET (MEASURED 1450) WEST OF 1132ND AVENUE AND ON THE SOUTH SIDE OF LEONARD STREET, AT HOUSE NUMBER 15383, A RAILROAD SPIKE ON THE NORTH SIDE OF A POWERPOLE.

ELEVATION: 537.37' (MVD) 1925

**SANITARY SEWER INFORMATION**

SANITARY MANHOLE #1	SANITARY MANHOLE #2
RM = 598.70	RM = 598.02
W 8' INV. = 585.80	W 8' INV. = 587.32
E 8' INV. = 585.80	E 8' INV. = 587.32

**SOIL BORING INFORMATION**

ALL SOILS ARE RUBICON SAND (RUB) ACCORDING TO OTTAWA COUNTY SOIL SURVEY 1972

- SB #1 0'-6" - TOPSOIL  
6"-4.0' - LIGHT BROWN VERY FINE SAND  
4.0'-8.0' - DRY, SILTY CLAY  
8.0'-10.0' - LIGHT BROWN VERY COARSE SAND WITH HIGH MOISTURE CONTENT  
SHET - NOT OBSERVED
- SB #2 0'-4" - TOPSOIL  
4"-1.5' - LIGHT BROWN FINE SAND  
1.5'-2.0' - LIGHT BROWN VERY COARSE SAND  
2.0'-4.0' - LIGHT BROWN SILTY SAND  
4.0'-6.0' - LIGHT BROWN SILT  
6.0'-8.0' - LIGHT BROWN VERY FINE SAND  
8.0'-10.0' - LIGHT BROWN SILT  
SHET - NOT OBSERVED
- SB #3 0'-4" - TOPSOIL  
4"-2.5' - ORANGISH-BROWN FINE SAND  
2.5'-4.0' - ORANGISH-BROWN COARSE SAND  
4.0'-7.0' - LIGHT BROWN FINE SAND  
7.0'-9.0' - LIGHT BROWN VERY COARSE SAND  
9.0'-10.0' - LIGHT BROWN VERY COARSE SAND WITH HIGH MOISTURE CONTENT  
SHET - NOT OBSERVED
- SB #4 0'-4" - TOPSOIL  
4"-2.5' - ORANGISH-BROWN FINE SAND  
2.5'-8.0' - LIGHT BROWN FINE SAND  
8.0'-10.0' - LIGHT BROWN COARSE SAND WITH HIGH MOISTURE CONTENT  
SHET - NOT OBSERVED

Updated May 4, 2013  
Ord. No. 2013-4

Updated 10-3-2016  
Ord. No. 2016-13

Updated 4-14-2019  
Ord. No. 2019-5

Updated 9-1-2019  
Ord. No. 2019-10

Updated 2-28-2022  
Ord. No. 2022-01

**ARTICLE 25**  
**WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS**  
 Updated 11-25-19

**Section 25.01 GENERAL PROVISIONS**

**A. Purpose.** It is the intent of this Article to regulate Wireless Communications Facilities in accordance with the Federal Telecommunications Act of 1996 and the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.301, *et seq.*, as amended (the "Zoning Enabling Act"). Within the general parameters of these laws, this Article also intends to reduce the impact of these Wireless Communications Facilities on adjacent land uses by reasonable regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Article intends to promote and encourage the Collocation of attached Wireless Communications Equipment on existing Wireless Communications Support Structures.

**B. Findings.** The Township finds that it is in the public interest to permit the Wireless Communications Facilities within its boundaries.

**C. Goals.** To establish general guidelines for Wireless Communications Facilities, the goals of this Article include the following:

1. Protect residential areas and land uses from potential adverse impacts of Wireless Communications Facilities;
2. Encourage the location of Wireless Communication Facilities in appropriate areas, where the impact to the Township is minimal;
3. Promote Collocations on existing Wireless Communications Support Structure sites;
4. Configure Wireless Communications Facilities to minimize their adverse visual impact through careful design,

siting, landscape screening, and camouflaging techniques; and

5. Promote Wireless Communications services to the Township which are quick, effective, and efficient.

To further these goals, the Township shall consider its Master Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of Wireless Communications Facilities.

**Section 25.02 DEFINITIONS**

For purposes of this Article, the following terms shall have the following meanings.

**A. Alternative Structures:** Artificial trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal that presence of Wireless Communications Facilities.

**B. Antenna:** Any exterior transmitting or receiving device mounted on a Communications Support Structure, building, or structure, which is used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, and wireless communications signals including optical or other communications signals.

**C. Collocate:** The placement or installation of Wireless Communications Support Equipment on existing Wireless Communications Support Structures or in existing Equipment Compounds.

**D. Equipment Compound:** The area surrounding or adjacent to the base of a Wireless Communications Support Structure

and within which Wireless Communications Equipment is located.

**E. FAA:** The Federal Aviation Administration.

**F. FCC:** The Federal Communications Commission.

**G. Height:** When referring to a Wireless Communications Support Structure upon which an Antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front to the highest point of the Wireless Communications Support Structure, including the base pad and any Antenna.

**H. Preexisting Wireless Communications Facilities:** Any preexisting Wireless Communications Facilities for which approval was properly obtained prior to the effective date of this Article.

**I. Wireless Communications Equipment:** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, Antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding Wireless Communications Support Structures.

**J. Wireless Communications Facilities:** All Wireless Communications Support Structures and all Wireless Communications Equipment.

**K. Wireless Communications Support Structure:** A structure that is designed to support, or is capable of supporting, Wireless Communications Equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

**Section 25.03 APPLICABILITY.**

**A. All New Wireless Communications Facilities:** All new Wireless Communications Facilities in the Township shall be subject to

this Article, except as otherwise provided in this section.

**B. Exemptions:**

**1. Amateur Radio Antennas.** In order to reasonably accommodate licensed amateur radio operators as required by the Code of Federal Regulations, 47 CFR part 97, as amended, and Order and Opinion, PRB-1 of the FCC of September, 1985, a licensed amateur radio operator may maintain Wireless Communications Facilities which are exempt from this Article, provided the following requirements are met.

- a. The Wireless Communications Facilities shall not exceed 70 feet in Height.
- b. The Wireless Communications Facilities shall not display lights of any kind and shall not be illuminated either directly or indirectly by any artificial means.
- c. The Wireless Communications Facilities' color must be uniform in order to blend into the sky to the extent allowed under requirements set forth by either the Federal Aviation Administration or the Michigan Department of Transportation Bureau of Aeronautics.
- d. No Advertising logo, trademark, figurines, or other similar marking or lettering shall be placed on the Wireless Communications Facilities.
- e. Wireless Communications Support Structures shall be located a distance equal to or greater than their Height from any existing residential or accessory structures.
- f. Wireless Communications Support Structures shall be located a

distance equal to at least three-quarters of their Height from any adjacent property line. However, if a licensed engineer certifies that a Wireless Communications Support Structure will not collapse or that if it does, it is designed in a way that it will collapse within itself, it must only be located one-third of its Height from any property line.

- g. No signs shall be used in conjunction with any Wireless Communications Facilities unless as required by federal or state law.
- h. Wireless Communications Support Structures may be located on a property where there is another principal use and shall not constitute a second principal use.
- i. Wireless Communications Facilities built and operated under this Section shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes.
- j. All Wireless Communication Support Structures must meet all applicable state and federal statutes, rules, and regulations.

**2. Television Reception Antennas.** This Article shall not govern any Wireless Communication Facilities less than 70 feet in Height which are operated for the sole use of residential, consumer-based services, including AM/FM/TV/Satellite audio and video entertainment and broadband internet.

- a. Wireless Communications Support Structures authorized under this Section shall be located a distance equal to or greater than their Height from any existing residential or accessory structures on the property or adjacent parcels.

- b. Dish Antennas 24 inches or less in diameter and standard TV Antennas 10 feet in Height or less may be mounted directly to a residential dwelling without regard to setbacks.

- 3. Farming Antennas.** Antennas which are used primarily for a farm operation will not be subject to this Article.
- 4. Personal or Individual Antennas.** Antennas which are used for citizen band radio or shortwave radio purposes shall not be subject to this Article.
- 5. Government Wireless Communications Facilities.** This Article shall not govern Wireless Communications Facilities which are permitted under state or federal law or regulations that preempt municipal regulatory authority.

**C. Preexisting Wireless Communications Facilities.** Preexisting Wireless Communications Facilities shall not be required to meet the requirements of this Article, other than the requirements of Sections 25.04 E and F regarding camouflage and lighting. Article 26 of this Ordinance concerning preexisting structures shall nevertheless apply.

**Section 25.04 GENERAL REQUIREMENTS.**

**A. Principal or Accessory Use.** Wireless Communications Facilities may be considered principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of new Wireless Communications Facilities on the same lot. Likewise, existing Wireless Communications Facilities on a lot shall not preclude the location of a different use, building, or structure on the same lot. Likewise, existing Wireless Communications Facilities on a lot shall not preclude the location of a different use, building, or structure on the same lot.

**B. Lot Size.** Even though Wireless Communications Facilities may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of Wireless Communications Facilities complies with the regulation of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements. The area and dimensions of the lot shall meet the minimum requirements of the zoning district within which it is located.

**C. Additional Setback Requirements.**

Wireless Communications Facilities shall be located at a distance equal to or greater than their Height from all existing residential or accessory structures and all property lines. The Planning Commission may modify the required setback if:

1. The Township Engineer verifies that the structural integrity of the Wireless Communications Support Structure will withstand high winds and that the likelihood of a structural failure is minimal; and
2. The Planning Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways.

**D. Wireless Communications Support Structure Finish.**

Wireless Communications Support Structures shall be either maintained with a galvanized steel finish or, subject to any applicable standards of the FAA, painted a neutral color so as to reduce visual obtrusiveness. Available options shall be at the discretion of the Planning Commission.

**E. Camouflage.** Wireless Communications Support Structures shall, to the extent possible, consist of materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings. Wireless Communications Equipment and its supporting electrical and mechanical equipment

must be of a neutral color that is identical to, or closely compatible with, the color of the Wireless Communications Support Structure so as to exist as visually unobtrusive as possible.

**F. Lighting.** Wireless Communications Support Structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views, with glare reduced as much as possible.

**G. State or Federal Requirements.** All Wireless Communications Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Wireless Communications Facilities. If the standards and regulations are changed, then the owners of the Wireless Communications Facilities governed by this Article shall bring such Wireless Communications Facilities into compliance with the revised and applicable standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with the revised and applicable standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove or modify the Wireless Communications Facilities at the owner's expense.

**H. Codes and Safety Standards.** The owner of Wireless Communications Facilities shall ensure their structural integrity by maintaining them in accordance with applicable local, state, or federal building, construction, and electrical codes as well as the manufacturer's installation requirements. If the Township suspects that Wireless Communications Facilities do not comply with such codes and standards or that they otherwise constitute a danger to persons or property, then the Township may proceed

under applicable local, state, or federal law to bring the Wireless Communications Facilities into compliance or to remove the Wireless Communications Facilities at the owner's expense.

**I. Measurement.** Wireless Communications Support Structure setbacks and separation distances shall be measured and applied in the Township without regard to Township jurisdictional boundaries.

**J. Not Essential Services.** Wireless Communications Facilities shall be regulated and permitted pursuant to this Article. They shall not be regulated or permitted as essential services, public utilities, or private utilities.

**K. Franchises.** Owners of Wireless Communications Facilities shall certify that all franchises required by law for the construction and operation of Wireless Communications Facilities in the Township have been obtained. Proof of all required franchises shall be filed with the Zoning Administrator.

**L. Signs.** No signs or advertising shall be allowed on Wireless Communications Facilities. However, the owner of a Wireless Communications Support Structure must post a sign no larger than two square feet in area designating FCC and FAA registration numbers and a person to contact in an emergency, together with the person's telephone number and address. Outdoor equipment cabinets and shelters must be labeled with the owner's name and telephone number. Electric meter sockets must be labeled with the users' name.

**M. Metal Wireless Communications Support Structures.** Metal Wireless Communications Support Structures shall be constructed with a corrosion resistant material.

**N. No Interference.** Wireless Communications Facilities shall not interfere with television or radio reception on surrounding properties.

**O. Paving Requirement.** All parking and drive areas shall be constructed in accordance with the requirements of Section 21.04 of this Ordinance.

**P. Landscaping.** The following requirements shall govern the landscaping surrounding Wireless Communications Support Structures for which a special land use permit is required. The required landscaping shall be properly maintained for the duration of the special land use and shall be irrigated.

1. Wireless Communications Facilities shall be landscaped with a buffer of plant materials that effectively screen them from view for all dwellings that exist at the time they are constructed. The standard buffer shall consist of a landscaped strip of evergreen trees at least four feet wide, spaced closely enough that the trees will create a full screen within five years of planting.
2. Existing tree growth and natural landforms on the site shall be preserved to maximum extent possible. In some cases, such as Wireless Communications Support Structures sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.

**Q. Security Fencing.** Wireless Communications Support Structures for which a special land use permit is required shall be enclosed by six-foot tall security fencing. The Wireless Communications Support Structures shall also be equipped with appropriate anti-climbing devices. Additional fencing of the Wireless Communications Facilities may be required as directed by the Planning Commission.

**R. Maximum Height.** The maximum Height for Wireless Communications Facilities shall be as follows:



1. Wireless Communications Support Structures shall be a maximum Height of 225 feet, except as provided below.
  - a. Within any private or public right-of-way or utility easement, the maximum Height of any Wireless Communications Support Structure shall be 35 feet.
  - b. Within any residential development that was established pursuant to (i) Sections 3.14, Article 12, or Sections 23.18 of this Ordinance; (ii) the Township’s Subdivision Ordinance; or (iii) the applicable state law for subdivisions, the maximum Height shall not exceed the Height of the highest existing streetlight fixtures, utility poles, or any other structure within the right-of-way or utility easement within 100 feet from the Wireless Communications Support Structure.
  - c. Wireless Communications Support Structures greater than 225 feet may be approved if the location is outside any private or public right-of-way or utility easement and any residential district, and if the Planning Commission finds that the applicant sufficiently demonstrated, with data or other evidence, that the proposed Wireless Communications Structure Height will be safe and is justified (e.g. it will reduce the total number of Wireless Communications Facilities needed within the Township.)
2. Unless otherwise exempt from regulation, Wireless Communications Equipment that is to be constructed within any private or public right-of-way or utility easement shall not exceed two feet in vertical or horizontal direction from the Wireless

Communications Support Structure upon which it is to be located.

**S. Burial Requirement.** All base stations, Cabinets, or other similar equipment used in connection with Wireless Communications Facilities that can be buried practically without affecting wireless communications services, must be buried underground within any of the following.

1. Any residential development that was established pursuant to: (i) Section 3.14, Article 12, or Section 23.19 of this Ordinance; (ii) the Township’s Subdivision Ordinance; or (iii) the applicable state law for subdivisions; and
2. Any right of way or utility easement area.

**T. Unused or Abandoned Wireless Communications Facilities.** Wireless Communications Facilities which are not utilized for a continuous period of 12 months shall be considered abandoned and shall be removed. After 12 months of non-use, the Township shall notify the owner of the Wireless Communications Facilities as well as the owner of the property on which the Wireless Communications Facilities sit, of the need for removal. Failure to remove within 90 days of this notice shall be grounds for the Township to proceed to remove the Wireless Communications Facilities at the joint expense of the Wireless Communications Facilities owner and the property owner.

Any Wireless Communications Facilities to which this Article applies may be removed by the Township. Approval of any Wireless Communications Facilities under this Article will include a condition recorded with the Register of Deeds which allows the Township to enter the property and remove the Wireless Communications Facilities as permitted under this Article, and to assess the costs of removal as a lien upon the property.

If either the owner of the Wireless Communications Facilities or the owner of the property remove the Wireless Communications Facilities, such removal shall be done in compliance with the decommissioning plan submitted and approved by the Planning Commission during the applications process.

**U. Foundation and Grounding.** Wireless Communications Facilities shall be permanently secured to a stable foundation and grounded to protect against damage from lightning.

**V. Access.** The Township shall have unobstructed access as reasonably needed to the Wireless Communications Facilities for maintenance, repair, and inspection purposes.

**W. Availability of Suitable Existing Wireless Communications Facilities, Alternative Structures, or Alternative Technology.** No new Wireless Communications Facilities shall be permitted unless the applicant demonstrates to the Planning Commission that no existing Wireless Communications Facilities, Alternative Structures, or alternative technology can provide the services sought by the applicant. Such evidence may consist of the following.

1. The applicant could demonstrate that no existing Wireless Communications Facilities, Alternative Structures, or alternative technology are available within the geographical area which meet the applicant's engineering requirements.
2. The applicant could demonstrate that existing Wireless Communications Facilities or Alternative Structures are not of sufficient Height to meet the applicant's engineering requirements, and that their Height cannot be increased to meet such requirements.
3. The applicant could demonstrate that existing Wireless Communications Facilities or Alternative Structures do

not have sufficient structural strength to support the applicant's proposed Wireless Communications Facilities and that their strength cannot practically be increased to provide that support.

4. The applicant could demonstrate that the costs to Collocate exceed the costs of constructing new Wireless Communications Facilities.
5. The applicant could demonstrate that there are other limiting factors that render existing Wireless Communications Facilities or Alternative Structures unsuitable.
6. The applicant could demonstrate that an alternative technology that does not require the use of Wireless Communications Facilities is cost-prohibitive or unsuitable.

#### **Section 25.05 SPECIAL LAND USE PERMITS.**

##### **A. Special Land Use Permit Requirement.**

Wireless Communications Facilities are permitted in all zoning districts by a special land use permit from the Planning Commission, subject to the regulations and requirements of this Section and Article 20 of this Ordinance relating to special land use permits, except as specifically stated in this Article 20 of this Ordinance relating to special land use permits, except as specifically stated in this Article.

Nothing in this Article diminishes any other right or power that the Township may possess in a proprietary sense or otherwise, beyond its regulatory powers.

##### **B. Exemption from the Special Land Use Permit Requirement for Wireless Communications Equipment Collocation.**

All Wireless Communications Facilities are subject to the special land use permit requirement unless specifically exempt by applicable state or federal law.

**C. Failure to Establish.** In any case where a special land use has not been established within one year after the date of granting such use, the special land use permit shall automatically be declared null and void without further action by the Planning Commission. In addition, any use established as special land use that is discontinued for one year or longer shall not be reestablished without application to and approval from the Planning Commission.

**Section 25.06 APPLICATION PROCESS.**

**A. Application.** All requests for Wireless Communications Facilities must come in the form of the Township's Wireless Communications application.

1. Applicants for Wireless Communications Equipment Collocations which are exempt from the special land use permit requirement need only fill out the relevant portion of the application.
2. All other applicants requesting Wireless Communications Facilities, for which a special land use permit is required, must also complete the remainder of the application.

**B. Information within the Application.** The application shall request the following information:

1. **Right to the Use of the Land.** The applicant must provide proof of ownership of the land or a valid lease from the property owner. Applicants requesting Wireless Communications Facilities on property owned, leased, or otherwise controlled by the Township must obtain a valid license or lease approved by the Township Board, as a condition of the Special Land Use. The Township's lease may be obtained after the Special Land Use has been obtained.

2. **Proposed Use.** A basic description of the proposed Wireless Communications Facilities.
3. **Location Explanation.** Written materials which document the need for the proposed locations.
4. **Statement Regarding Need.** The service gap justifying the need for the Wireless Communications Facilities and a statement as to why the existing Wireless Communications Facilities are insufficient to satisfy the need.
5. **Other Wireless Communications Support Structure Locations.** A map depicting other locations of Wireless Communications Support Structures within three miles of the proposed site.
6. **Collocations.** An explanation that the applicant has investigated the potential of Collocation with other wireless communication service providers or owners of Wireless Communications Support Structures located in Township or neighboring communities and which may meet the coverage needs of the applicant.
7. **Accommodation.** All proposed Wireless Communications Facilities shall be designed to accommodate both the applicant's equipment and that of at least two other service providers.
8. **Engineering Certification and Plans.**
  - a. A statement that the proposed Wireless Communications Facilities will be installed in accordance with the manufacturer's specifications and applicable Township regulations.
  - b. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. This

engineer shall certify in writing that the Wireless Communications Facilities will be structurally sound and will comply with all applicable building and other construction code requirements.

- 9. Maintenance.** A Description of the Wireless Communications Support Structure maintenance program and any applicable maintenance agreement, prepared so as to ensure long-term continuous maintenance of the Wireless Communications Facilities.
- 10. Physical Description.** A description of the Wireless Communications Facilities' appearance, including the method of camouflage and any illumination.
- 11. Decommission Plan.** A decommissioning plan explaining the process to be undertaken by the applicant for tearing down and removing the Wireless Communications Facilities and restoring the site so it can be used for any permitted use allowed in that Zoning District.
- 12. Security.** Security measures including emergency contact personnel.
- 13. Liability.** The applicant shall provide documentation that indemnity and insurance coverage exist for the Wireless Communications Facilities in the event that damage or personal injury occurs or the provider abandons the Wireless Communications Facilities. The specific dollar amount of indemnity and insurance coverage shall be approved by the Township. The cancellation of or failure to renew such policy shall not be effective without the approval of the Township.
- 14. Alternatives.** The applicant shall confirm with evidence that it has considered alternative locations or

physical aspects of the Wireless Communications Facilities as well as an explanation as to why those alternatives are not available or feasible.

**C. Application Fee.** Pursuant to the Zoning Enabling Act, subject to any legislative changes, the applicant shall pay a fee of \$1,000 or the actual cost to process the application, whichever is lower.

**D. Notification of Incomplete or Insufficient Application.** The Zoning Administrator shall notify the applicant in writing if the application is missing information or is otherwise insufficient within 14 days of receipt, as required by the Zoning Enabling Act, subject to any future legislative changes. Notice of an incomplete application or unpaid application fee shall toll the timing requirements of this Section.

**E. Site Plan.** An applicant must submit a site plan in accordance with Article 24 of this Ordinance, except as specifically stated in this Article.

- 1.** In addition to the requirements of Article 24, the site plan must contain the following:
  - a.** Location, type, and Height of the proposed Wireless Communications Facilities;
  - b.** Elevation drawings of the proposed Wireless Communications Facilities; and
  - c.** Any other information as may be required by the Planning Commission or the Zoning Administrator to assess compliance with this Article.

**F. Decision.** The Planning Commission shall render a decision regarding Wireless Communications Facilities request for which a special land use permit is required in accordance with state and federal law.

- a. For a Collocation that is not exempt from review under state or federal law, the Planning Commission shall render a decision on a completed application within 60 days.  
*Ord. No. 2019-15*  
*Eff. 11-25-2019*
- b. For all other approvals, the Planning Commission shall render a decision on a completed application within 90 days.

**G. Conditions.** In granting a special land use permit, the Planning Commission may impose such conditions that the Planning Commission concludes are necessary to minimize any adverse effect of the proposed Wireless Communications Facilities on adjoining properties or which may relate directly to other requirements of this Ordinance or any other applicable Township, state or federal law or ordinance.

**Section 25.07 APPROVAL.**

**A. Findings.** In order to approve the application, the Planning Commission shall find that:

- 1. The proposed Wireless Communications Facilities meet the special land use approval standards of Article 20, except as otherwise indicated in this Article; and
- 2. The proposed Wireless Communications Facilities meet all other requirements of this Article.

**B. Written Decision.** The Planning Commission shall approve or deny the application in writing, articulating the relevant findings and reasons for the decision. The Planning Commission’s comprehensive meeting minutes, issued contemporaneously with a written denial, shall be sufficient for this requirement.

**C. No Discrimination.** In approving or denying an application, the Planning Commission shall not unreasonably

discriminate among providers of functionally equivalent services. Functionally equivalent services are those which are similarly situated in terms of the structure, placement, or cumulative impact.

**D. Denial Requirements.** If the Planning Commission determines to deny an application for special land use permit approval because the proposed project does not meet one or more of the requirements contained in this Article, the Planning Commission shall nevertheless approve the proposed project if no other alternative Wireless Communications Support Structure sites are available or feasible and at least one of the following applies:

- 1. A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;
- 2. There is not substantial evidence on the record to justify a denial; or
- 3. A significant gap in the existing service coverage exists in the area, and the proposed project would close that gap.

**E. Changes.** During the application process and after an approval is issued, the applicant shall also be required to notify the Township Clerk of any change in the status of the Wireless Communications Facilities, including a change in ownership, terms of the lease, or the removal of any Wireless Communications Equipment.

*Ord. No. 2017-9*  
*Eff. 8-14-2017*

*Ord. No. 2019-15*  
*Eff. 11-25-2019*

## ARTICLE 25(A)

### SMALL CELL WIRELESS COMMUNICATIONS FACILITIES

Eff. 10-7-2019

#### Section 25A.01 Purpose

Consistent with the requirements of the Small Wireless Communications Facilities Deployment Act, Public Act No. 365 of 2018, and in anticipation of a continued increased demand for placement of small wireless facilities of the type regulated by the Act both within the public rights-of-way and in other locations within the jurisdiction of the Township, the Township Board has found it to be in the best interests of the public health, safety, and general welfare of the Township to adopt the amendments set forth in this Article in order to establish generally applicable standards for the design, permitting, location, construction, deployment, regulation, operation, maintenance, repair and removal of such small cell wireless facilities both within the public rights-of-way and in other locations within the Township so as to, among other things:

- A. Prevent interference with the facilities and operations of the Township's electric utility and other Township utilities, and of other utilities lawfully located both within public rights-of-way and in other locations within the jurisdiction of the Township;
- B. Preserve the character of the neighborhoods in which such small cell wireless facilities are installed;
- C. Minimize any adverse visual impact of small cell wireless facilities and prevent visual blight in the neighborhoods in which such facilities are installed;
- D. Ensure the continued safe use and enjoyment of private properties adjacent to small cell wireless facilities;

- E. Provide appropriate aesthetic protections to any designated historic landmarks or districts within the Township; and
- F. Ensure that the placement of small cell wireless facilities does not negatively impact public safety and the Township's public safety technology.

#### Section 25A.02 Interaction with Other Code Provisions and Laws

- A. *Other Code Provisions.* The provisions of this Ordinance are intended to supplement general requirements and standards relative to the siting of telecommunication facilities and generally applicable requirements for construction within public rights-of-way set forth elsewhere within the Allendale Charter Township Zoning Ordinance (the "ACTZO"), including but not limited to the regulations set forth in Article 25 (Wireless Communications Towers and Antennas). In the event of a conflict, however, the provisions of this Ordinance shall control in all matters involving small cell wireless facilities, as defined below.
- B. *State and Federal Laws.* In the event that applicable federal or State laws or regulations conflict with the requirements of this Ordinance, a wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating such federal or State laws or regulations.

**Section 25A.03 Definitions**

As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in the Small Wireless Communications Facilities Deployment Act (Public Act 365 of 2018), unless the context clearly requires otherwise.

- A. *Act*: The Small Wireless Communications Facilities Deployment Act, Public Act No. 365 of 2018.
- B. *Antenna*: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
- C. *Applicable codes*: Uniform building, fire, electrical, plumbing, or mechanical codes adopted under the Stille-DeRosset-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, or adopted by the United States Occupational Safety and Health Administration or by a state or national code organization, including, but not limited to, the “National Electrical Safety Code” published by the Institute of Electrical and Electronics Engineers.
- D. *Applicant*: A wireless provider that submits an application described in this Article.
- E. *Attaching entity*: A public or private party or entity, other than a municipally owned electric utility, that, pursuant to an agreement with the municipally owned electric utility, places a wire or cable attachment on a nonauthority pole or related infrastructure within the communication space. Attaching includes, but is not limited to, both of the following:
1. A telecommunication provider as that term is defined in section 102 of the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3102.
  2. A video service provider as that term is defined in the uniform video services local franchise act, 2006 PA 480, MCL 484.3301.
- F. *Authority*: Allendale Charter Township, or any subdivision thereof, authorized to make legislative, quasi-judicial, or administrative decisions concerning an application of the Act.
- G. *Colocate or Colocation*: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.
- H. *Communications facility*: The set of equipment and network components, including wires, cables, antennas, and associated facilities, used by a communications service provider to provide communications service.
- I. *Communications service*: Service provided over a communications facility, including cable service as defined in 47 U.S.C. 153, information service as defined in 47 U.S.C. 153, telecommunications service as defined in 47 U.S.C. 153, or wireless service.
- J. *Communications service provider*: Any entity that provides communications services.
- K. *FCC*: The Federal Communications Commission.
- L. *Fee*: A nonrecurring charge for services.
- M. *Historic district*: A historic district established under section 3 of the local historic districts act, 1970 PA 169, MCL 399.203, or a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register,

- the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, appendix C.
- N. *Law*: Federal, state, or local law, including common law, a statute, a rule, a regulation, an order, or an ordinance.
- O. *Micro wireless facility*: A small cell wireless facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior antenna more than 11 inches in length.
- P. *Municipally owned electric utility*: A system owned by a municipality or combination of municipalities to furnish power or light and includes a cooperative electric utility that, on or after the effective date of this act, acquired all or substantially all of the assets of a municipal electric utility, when applying this act to the former territory of the municipal electric utility.
- Q. *Nonauthority pole*: A utility pole used for electric delivery service and controlled by the governing body of a Township-owned electric utility.
- R. *Public right-of-way ("ROW")*: The area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses. Public right-of-way does not include any of the following:
1. A private right-of-way.
  2. A limited access highway.
  3. Land owned or controlled by a railroad as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.
  4. Railroad infrastructure.
- S. *Rate*: A recurring charge.
- T. *Small cell wireless facility*: A wireless facility that meets both of the following requirements:
1. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
  2. All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- U. *Utility pole*: A pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements of the Act and is designed to support small cell wireless facilities. Sign poles less than 15 feet in height above ground are excluded.
- V. *Wireless facility*: Equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless



facility. Wireless facility does not include any of the following:

1. The structure or improvements on, under, or within which the equipment is collocated.
2. A wireline backhaul facility.
3. Coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

W. *Wireless infrastructure provider*: Any person, including a person authorized to provide telecommunications services in this state but not including a wireless services provider, that builds or installs wireless communications transmission equipment, wireless facilities, or wireless support structures, and who, when filing an application with the Township, provides written authorization to perform the work on behalf of a wireless services provider.

X. *Wireless provider*: A wireless infrastructure provider or a wireless service provider. Wireless provider does not include an investor-owned utility whose rates are regulated by the Michigan Public Service Commission.

Y. *Wireless services*: Any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

Z. *Wireless services provider*: A person that provides wireless services.

AA. *Wireless support structure*: A freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

**Section 25A.04 Permitted Use; General Requirements**

A. *Permitted use*. A wireless provider may, as a permitted use not subject to zoning review or approval, collocate small cell wireless facilities and construct, maintain, modify, operate, or replace utility poles in, along, across, upon, and under the public right-of-way.

Applications for permits to collocate small cell wireless facilities on said property shall still be subject to administrative review, as set forth in this Article and, if applicable, approval of any request for height exceptions or other variances.

B. *Permit required*. No small cell wireless facility shall collocate on a utility pole or similar structure or other wireless support structure without first filing an application with the Township and obtaining one or more permits, except as otherwise provided in this Article.

**Section 25A.05 Permit Application Process**

A. *Submission of permit applications*. All applications for permits pursuant to this Article shall be made on a form provided by the Township and filed with the Township in such number of duplicate copies as the Township may require. Applicants shall submit applications, the supporting information, and notices to the Township Supervisor, or his or her designee, by personal deliver, or by other means approved by the Township.

B. *Attestation*. All applications for permits pursuant to this Article shall include an attestation by the wireless services provider that, if the application is approved, the small cell wireless facilities will be operational for

use by the wireless services provider within 1 year after the permit issuance date.

- C. *Completeness of applications.* Within twenty-five (25) days of receiving an application, the Township will determine whether the application is complete and notify the applicant of the status of the application. If the application is incomplete, the Township shall specifically identify the missing documents or information.
- D. *Tolling of time.* Processing deadlines for approval or denial of applications are tolled from the time the Township sends a notice of incompleteness to the time that the applicant submits the missing information. If the applicant's supplemental submission is inadequate, the Township will notify the applicant in writing within ten (10) days after receipt of the supplemental submission and delineate the missing documents or information. It is within the Township's discretion as to whether the processing deadline for approving or denying the application will be tolled in the case of second or subsequent notices of incompleteness.
- E. *Consolidated applications.* Consolidated applications for small cell wireless facilities for the collocation of up to twenty (20) small cell wireless shall be allowed, provided that the small cell wireless facilities within a consolidated application consist of substantially similar equipment and will be placed on similar types of utility poles or wireless support structures. Each consolidated application shall provide all the information required by this Article for each small cell wireless facilities at each location. If such an application includes incomplete information for one or more small cell wireless facility collocations, or includes requests for small cell wireless facilities that do not qualify for

consolidated treatment, or that are otherwise denied, the Township may remove such collocation requests from the application and treat them as separate requests. Separate permits may be issued for each collocation approved in a consolidated application.

- F. *Permit application fees.* All applications for permits pursuant to this Article shall be accompanied by the following non-refundable applicable permit application fees:
  - 1. \$200.00 for an application to collocate a single small cell wireless facility on an existing utility pole or wireless support structure within a Township right-of-way;
  - 2. \$200.00 for each small cell wireless facility addressed in a consolidated application to collocate more than one small cell wireless facility on existing utility poles or wireless support structures; or
  - 3. \$300.00 for each small cell wireless facility addressed in an application that includes the installation of a new utility pole or wireless support structure for such collocation.
- G. *Applicant's duty to update information.* Throughout the entire permit application review period and the construction period authorized by the permit, any amendments and/or revisions to information contained in the permit application shall be submitted by the applicant in writing to the Township Supervisor within thirty (30) days after the change necessitating the amendment and/or revision.
- H. *Exceptions.* No application, permit approval, fees, or rates shall be required from a communications service provider authorized to occupy the right-of-way when the work in question is for:

- 1. The replacement of a small cell wireless facility with a small cell wireless facility that is not larger or heavier, in compliance with applicable codes;
- 2. Routine maintenance of a small cell wireless facility, utility pole, or wireless support structure; or
- 3. The installation, placement, maintenance, operation or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable safety codes.

The foregoing shall not preclude the Township from requiring a permit for work that will unreasonably affect traffic patterns or obstruct vehicular or pedestrian traffic within the right-of-way, as determined by the Township.

**Section 25A.06 Action on Permit Applications**

*A. Township review of permit applications.*

Completed permit applications, containing all of the required documentation, shall be reviewed by the designated Township official.

*B. Timeline for approval or denial of permit application.*

An application for a permit under this Ordinance shall be processed on a nondiscriminatory basis and either approved or denied, in writing, subject to the following timelines:

- 1. Sixty (60) days after the submission of an application to colocate a small cell wireless facility on an existing utility pole, subject to the following adjustments:
  - i. Such 60-day deadline shall be extended to seventy-five (75) days if an application from another wireless

- provider was received within 1 week of the application in question.
- ii. 15 additional days shall be added to the subject time period if, before the otherwise applicable 60-day or 75-day time period elapses, the Township notifies the applicant in writing that an extension is needed and the reasons for such extension.

- 2. Ninety (90) days after the submission of an application to colocate a small cell wireless facility that includes the installation of a new utility pole or a replacement of a utility pole that meets the height requirements of this Article, subject to the following adjustments:

- i. Such 90-day deadline shall be extended to one hundred and five (105) days if an application from another wireless provider was received within 1 week of the application in question.
- ii. 15 additional days shall be added to the subject time period if, before the otherwise applicable 90-day or 105-day time period elapses, the Township notifies the applicant in writing that an extension is needed and the reasons for such extension.
- iii. If the Township does not approve or deny the completed application within the otherwise applicable 90-day or 105-day time period, the application shall be deemed approved.
  - a. If the applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the Township of its intention to invoke the deemed approved

remedy with at least seven (7) days' advance written notice that the applicant will be proceeding with the work pursuant to such automatic approval.

C. *Reasons for denial.* The Township shall deny a completed application for a proposed colocation of a small cell wireless facility or installation, modification, or replacement of a utility pole that meets the height requirements of this Article only if the proposed activity would do any of the following:

1. Materially interfere with the safe operation of traffic control equipment;
2. Materially interfere with sight lines or clear zones for transportation or pedestrians;
3. Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards and regulations regarding pedestrian access or movement;
4. Materially interference with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of any authority;
5. Materially interfere with maintenance or full unobstructed use of drainage infrastructure under the jurisdiction of any authority as it was originally designed;
6. Failure to locate the facility a reasonable distance from the drainage infrastructure to ensure maintenance under the drain codes and access to the drainage infrastructure;
7. Failure to comply with reasonable, nondiscriminatory spacing or ground-mounting equipment requirements under the ACTZO;
8. Failure to comply with applicable codes;

9. Failure to comply with underground or buried cable and utility facilities requirements; or
10. Failure to comply with applicable design, stealth, and concealment standards.

D. *Notice of denial.* The reasons for any denial of a permit shall be provided in a written notice of denial sent to the applicant, and shall include the specific code provisions or application conditions on which the denial is based.

E. *Resubmittal after denial; opportunity to cure.* In the case of a permit denial, an applicant may cure the deficiencies identified in the notice of denial and resubmit a revised application once within thirty (30) days after the notice of denial is sent without payment of an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of receipt of the applicant's revised application.

1. Any review of the revised application is limited to the deficiencies cited by the Township in its denial of the original application.
2. The revised application procedure shall not apply if the cure for the deficiencies set forth in the denial requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

**Section 25A.07 Effect of Permit**

A. *Authority granted; no property right or other interest.* A permit from the Township authorizes a permittee to undertake only certain activities in accordance with this Article and does not create a property right or

grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

- B. *Compliance with all laws required.* The issuance of a permit by the Township does not excuse the permittee from complying with other requirements of the Township and all applicable statutes, laws, ordinances, rules and regulations.
- C. The approval of the installation, placement, maintenance, or operation of a small cell wireless facility pursuant to this Article does not authorize the installation, placement, maintenance, or operation of any communications facilities other than small cell wireless facilities in the right-of-way.

**Section 25A.08 Colocation Requirements and Conditions**

- A. *Non-interference with public safety communication frequencies.*
  - 1. A wireless provider’s operation of a small wireless facility may not interfere with the frequencies used by a public safety agency for public safety communications.
  - 2. A wireless provider must install small cell wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency’s communications equipment.
  - 3. Unacceptable interference is determined by and measured in accordance with industry standards and the FCC’s regulations addressing unacceptable interference to public safety spectrum or any other spectrum licenses by a public safety agency.
  - 4. If a small cell wireless facility causes such interference, and the wireless provider has been given written notice of the

interference by the public safety agency, the wireless provider, at its own expense, shall take all reasonable steps necessary to correct and eliminate the interference, including, but not limited to, powering down the small cell wireless facility and later powering up the small cell wireless facility for intermittent testing, if necessary. The Township may terminate a permit for a small cell wireless facility based on such interference if the wireless provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC, including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

- 5. The burden to establish the good faith effort shall be on the wireless provider, which shall timely deliver to the Township all information necessary to demonstrate its efforts to resolve the interference consistent with the Code of Federal Regulations sections cited above. Failure to remedy the interference as required herein shall constitute a public nuisance and the small cell wireless facility may be abated through the procedures for abatement of such nuisances set forth in this code.
- B. *Public safety concerns.* The wireless provider shall comply with all applicable federal, state and local codes, code provisions, and regulations concerning public safety. The proposed colocation cannot materially interfere with any of the conditions set forth in this Article. Additionally, for the safety of electrical utility workers and members of the

public, the small cell wireless facility shall comply with the following:

1. Small cell wireless facilities collocated on the same Township pole as a street light shall be on the same disconnect as the street light.
  2. Small cell wireless facilities shall be grounded and otherwise fully comply with all applicable electrical codes.
  3. Whenever conduit of small cell wireless facilities crosses telephone or electric power wires, wires shall be crossed and be maintained in accordance with the National Electric Safety Code and the “Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines” established by the Department of Commerce, Bureau of Standards of the United States in force at the time of the effective date of this Article, and as amended from time to time.
- C. *Third-party concerns.* The wireless provider shall comply with requirements that are imposed in a contract between the Township and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in a right-of-way.
- D. *Non-interference with electric distribution/transmission system.*
1. The wireless provider shall not collocate small cell wireless facilities on Township utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole, including the tops of electric transmission or distribution poles.
  2. Notwithstanding the above, the antenna and support equipment of the small cell

wireless facility may be located in the communications space on the Township utility pole and on the top of the pole (other than on top of electric transmission or distribution poles), if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving top of the pole.

For purposes of this subsection, the terms “communications space”, “communication worker safety zone”, and “electric supply zone” have the meanings given to those terms in the National Electric Safety Code, published by the Institute of Electrical and Electronics Engineers.

- E. *Stealth, concealment, and design standards.* Every small cell wireless facility installation shall comply with the following standards:
1. *General stealth, concealment, and design standards.* Installations shall comply with any stealth, concealment, design and aesthetic standards applicable for decorative utility poles, stealth structures, concealment and aesthetic requirements set forth in a Township ordinance, written policy, comprehensive plan, or other written design that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district. Small cell wireless facilities shall not be collocated on any public art or statute within the Township.
  2. *Historic districts and landmarks.* For areas designated as historic districts, or on buildings or structures designated as historic landmarks pursuant to the Township Code, in addition to the stealth, concealment and design requirements referenced above, the following additional

restrictions/conditions apply to the installation of small cell wireless facilities:

- i. Small cell wireless facilities shall be comprised of materials that are consistent with the surrounding elements so as to blend architecturally with any buildings or structures designated as historic landmarks or located within a designated historic district, and shall be designed to blend with the surrounding historical landmarks and/or district in design and color.
  - ii. Small cell wireless facilities shall not be mounted upon any designated historic landmark unless completely concealed using stealth and concealment measures, approved by the Township.
3. *Historic district and landmark limitations.*
- i. Any stealth, concealment, and design standards in a historic district or on a historic landmark, including restrictions on a specific category of utility poles, may not have the effect of prohibiting any wireless provider's technology. Such stealth, concealment, and design measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility.
  - ii. This subsection shall not be construed to limit the Township's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Michigan State Historic Preservation Plan, or the National Historic Preservation Act of 1966, 54 U.S.C.

Section 300101 *et seq.*, and the regulations adopted to implement those laws.

- F. *Signage requirements.* The wireless provider shall comply with sign regulations applicable to public rights-of-way as otherwise set forth in the ACTZO.
- G. *Labeling requirements.* The wireless provider shall label all small cell wireless facilities with the name of the wireless provider, emergency contact telephone number, and information that identifies the small cell wireless facility and its location.
- H. *Ground-mounted equipment spacing requirements.* The wireless provider shall comply with all applicable spacing requirements for construction of utility facilities within the public right-of-way as otherwise set forth in the ACTZO.
- I. *Undergrounding requirements.* The wireless provider shall comply with the ACTZO provisions or regulations concerning undergrounding requirements, if any, that prohibit the installation of new or the modification of existing utility poles or equipment in the right-of-way. Any request by a wireless provider for a variance to install such new utility poles or modify existing utility poles shall be subject to the procedures set forth in the ACTZO regarding variances.
  - 1. *Waiver from undergrounding requirements.* A wireless provider may receive a waiver from the Township to allow small cell wireless facilities to be located above ground in an area where Township ordinances or regulations prohibit or restrict ground facilities if the wireless provider can establish that:
    - i. Underground equipment is not technically feasible and there is no

- reasonable alternative or location that is more aesthetically favorable to adjacent property owners and to effective use and management of the right-of-way;
- ii. An above ground small cell wireless facility at the proposed location is necessary at the proposed location to provide coverage in a specified area;
  - iii. An above ground small cell wireless facility at the proposed location will not disrupt traffic or pedestrian circulation or constitute a safety hazard;
  - iv. An above ground small cell wireless facility at the proposed locations will not interfere with public safety uses or frequencies;
  - v. Space exists within the public right-of-way to accommodate the above ground small cell wireless facility at the proposed location;
  - vi. An above ground small cell wireless facility at the proposed location will not create a safety hazard;
  - vii. The above ground small cell wireless facility is located and designed in such a way so as to minimize its visual impact on adjacent properties; and
  - viii. In any historical area, that the above ground small wireless facility will not detrimentally affect the historical nature of the area.
2. *Future undergrounding.* The Township may, from time to time, make a decision to eliminate above-ground utility poles of a particular type generally, such as electric utility poles, in all or a significant portion of the Township. In the event that such a utility pole has a colocated small cell wireless facility in place at the time of such a decision, the Township shall either:
    - i. Continue to maintain the utility pole, or install and maintain a reasonable utility pole or wireless support structure for the colocation of the small cell wireless facility or offer some other reasonable alternative that allows the small cell wireless provider to maintain service at that location; or
    - ii. Offer to sell the utility pole to the wireless provider at a reasonable cost, or allow the wireless provider to install its own utility pole so it can maintain service from that location.
- J. *Alternate placements.*
1. *Existing utility poles.* Except as provided in this Article, a wireless provider shall not be required to colocate small cell wireless facilities on an existing specific utility pole or category of existing utility poles or be required to colocate multiple antenna systems on a single existing pole.
  2. *New utility poles.*
    - i. For an application for the colocation of a small wireless facility on a new utility pole, the Township may propose an alternate location within the right-of-way or on property or structures owned or controlled by the Township within seventy-five (75) feet of the proposed location to either place the new utility pole or colocate on an existing structure.
    - ii. The applicant shall accept the proposed alternate location as long as it has the right to use the location on reasonable terms and conditions and the alternate location does not impose



unreasonable technical limits or significant additional costs, as determined by the applicant.

- iii. If the applicant refuses an alternate location based on the foregoing, the applicant shall provide legally competent evidence in the form of a written certification, under oath, describing the property rights, technical limits or material cost reasons that prevent the alternate location from being utilized.

K. *Height limitations.*

1. *Small cell wireless facilities.* The maximum permitted height of a small cell wireless facility installed or modified in the public right-of-way is five (5) feet above the utility pole or wireless support structure on which the small wireless facility is colocated.
2. *New or replacement utility poles or wireless support structures.* The height for new or replacement utility poles or wireless support structures on which small cell wireless facilities are colocated may not exceed forty (40) feet above ground level, unless a taller height is agreed to by the Township.
3. *Height exceptions/variances.* If an applicant proposes a height for a new or replacement utility pole or wireless support structure in excess of the height limitations set forth above, the applicant may request a variance for the height limitation pursuant to the procedures set forth in the ACTZO.

- L. *Colocation completion deadline.* Colocations for which permits are approved shall be completed within one (1) year of issuance of the permit, unless the Township and the applicant agree to extend this period or a delay

is caused by the lack of commercial power or communications facilities at the site. Permits that are not completed within applicable timelines shall be void, absent an extension granted in writing by the Township, and the applicant may reapply for a permit.

- M. *Construction, maintenance, and safety standards.* A wireless provider shall install, maintain, repair and modify its small cell wireless facilities within the Township in a safe condition that maintains the safety, integrity and aesthetics of such facilities. Small cell wireless facilities shall not appear to be unkempt. Specifically, the wireless provider shall comply with the following requirements and conditions:

1. The wireless provider shall maintain its small cell wireless facilities in a manner consistent with accepted industry practice and applicable law.
2. The wireless provider shall follow all safety practices required by applicable law or accepted industry practices or standards during the construction, installation, or maintenance of small cell wireless facilities.
3. The wireless provider shall use and exercise due caution, care and skill in performing work in the public right-of-way and shall take all necessary and reasonable steps to safeguard work site areas. The persons constructing, installing, and maintaining small cell wireless facilities must be a licensed electrician, certified to work as a lineworker, or successfully complete an accredited lineworker apprenticeship program.
4. A wireless provider shall not place or maintain its small cell wireless facilities so as to interfere with, displace, damage or destroy any utilities, including, but not

limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the Township or any other person's facilities lawfully occupying the Township's public rights-of-way.

- N. *Restoration after construction.* After the completion of any placement or maintenance of a small cell wireless facility in a public right-of-way, the wireless provider shall, at its own expense, restore the public right-of-way to its original condition within ten (10) days of the completion such work, or such longer period of time as may be agreed to between the Township and the wireless provider in writing. Alternatively, the wireless provider and the Township Supervisor may agree, in writing, that the Township will perform the restoration and charge the costs of the restoration against the wireless provider. If the wireless provider fails to make such repairs as requested by the Township within 60 days after written notice, the Township may make those repairs and charge the wireless provider the reasonable, documented cost of the repairs.
- O. *Right to inspection; failure to maintain.* The Township shall have the right to make such inspections of small cell wireless facilities placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this Article. In the event of a failure to properly maintain such facilities, the Township shall notify the wireless provider, in writing, who shall have thirty (30) days to correct the identified maintenance violation. If not corrected within such period, the Township reserves the right to take such action as it deems necessary, including revocation of the permit. Maintenance and replacement of small cell wireless facilities shall be performed by the wireless provider at the wireless provider's sole cost and expense.

- P. *Abandonment.* A small cell wireless facility that is not operated for a continuous period of twelve (12) months, or for which rates or fees have not been paid by the wireless provider in the preceding twelve (12) months, shall be considered abandoned. The owner of the facility shall remove the small cell wireless facility within ninety (90) days after receipt of written notice from the Township notifying the wireless provider of the abandonment. The notice shall be sent by certified or registered mail, return receipt requested, by the Township to the owner at its last known address. If the small cell wireless facility is not removed within ninety (90) days after receipt of such notice, such wireless facility shall be deemed to be a nuisance and the Township may remove or cause the removal of such facility, and recover or place a lien for its costs, pursuant to the terms of its pole attachment or other agreement for Township utility poles or through the procedures for abatement of nuisances set forth in the ACTZO. The Township shall charge the cost of the removal against the wireless provider or any successor in interest to the wireless provider.
- Q. *Emergency removal or relocation.* The Township retains the right and privilege to cut or move any small cell wireless facilities within the rights-of-way of the Township, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If the circumstances permit, the Township shall attempt to notify the wireless provider prior to cutting or removing the facility and shall notify the wireless provider after cutting or removing the facility.
- R. *Coverages and limits.* Under this Article, the Township is not required to install or maintain

any specific utility pole or to continue to install or maintain any specific utility pole in any location if the Township determines to eliminate above-ground utility poles or a particular type generally, such as electric utility poles, in all or a significant portion of its geographic jurisdiction. If the Township determines to eliminate above-ground Township utility poles of a particular type generally, and colocated small wireless facilities are in place, the Township shall either:

1. Continue to maintain the utility pole or install and maintain a reasonable alternative utility pole or wireless support structure for the collocation of the small cell wireless facility; or
2. Offer to sell the utility pole to the wireless provider at a reasonable cost or allow the wireless provider to install its own utility pole so it can maintain service from that location.

**Section 25A.09 Annual Recurring Rate/Rental Fee**

- A. *Annual rate.* The wireless provider shall pay the Township an annual recurring rate for each utility pole or wireless support structure located in a Township right-of-way on which the wireless provider has colocated a small cell wireless facility the higher of:
  1. \$20.00 annually for each utility pole or wireless support structure; or
  2. \$125.00 annually, if the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after March, 2019.
- B. *Payment of annual rate.* This fee shall be payable on the first annual anniversary of the

issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

- C. *Increases to the annual rate.* The annual rates set forth in this Article shall be increased by 10% every five years from March 12, 2019.
- D. *Exception.* Small cell wireless facilities colocated on Township-owned utility poles located outside of public right-of-way are not subject to the rate limitations in this section.

**Section 25A.10 Permit Duration**

Permits issued for small cell wireless facilities pursuant to this Article shall be valid for a period of five (5) years. Every 5 years after the effective date of this Act, the maximum application fees prescribed herein shall be increased by 10% and rounded to the nearest dollar.

**Section 25A.11 Permit Revocation**

- A. *Township right to revoke permit.* The Township may, upon thirty (30) days' written notice, revoke a permit issued pursuant to this Article if the permitted small cell wireless facilities and any associated utility pole fail to meet the requirements of this Article.
- B. *Notice of revocation.* The Township shall send written notice of its intent to revoke a permit issued pursuant to this Article stating the reason or reasons for the revocation and the alternatives available to permittee. Such notice of the permit revocation shall be sent by certified mail or shall be personally delivered to the wireless provider setting forth the basis for the revocation.
- C. *Opportunity to cure.* A permittee shall have an opportunity to cure any deficiencies cited by the Township in its written notice of forthcoming revocation. Curing of such

deficiencies shall occur within fourteen (14) days of receipt of the notice of revocation.

- D. *Township correction and notice.* If the deficiency creates an imminent threat to life, health, or safety, the Township may correct the deficiency immediately upon verbal notice by the Township to permittee.
- E. *Stop work order.* In addition to the issuance of a notice of revocation, the Township may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within this Article.
- F. *Failure or refusal of the permittee to comply.* If the permittee fails or gives notice of refusal to cure such deficiencies, the Township may, in its sole discretion:
  1. Correct the deficiencies;
  2. Upon not less than twenty (20) days' notice to the permittee, remove the subject facilities or equipment; or
  3. After not less than thirty (30) days' notice to the permittee of the failure to cure the non-compliance, deem them abandoned and property of the Township.

The permittee shall be liable in all events to the Township for all costs.

**Section 25A.12 Zoning; General Requirements**

- A. *Permitted use exemption from zoning requirement.* Small cell wireless facilities shall be classified as permitted uses and shall not be subject to zoning review and approval, provided that they are colocated on an existing utility pole or a new utility pole constructed within a Township right-of-way and otherwise meet the requirements of this Article.
- B. *General zoning requirements.* Except as otherwise provided in this Article, zoning review and approval shall be required for the

placement of small cell wireless facilities within the Township right-of-way and subject to the zoning approval process in this Article and the ACTZO. In the event of a conflict, however, the provisions of this Article shall control in all matters involving small cell wireless facilities, as defined herein. The following activities are not classified as a permitted use and are subject to zoning review and approval:

1. The modification of existing or installation of new small cell wireless facilities.
2. The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.

**Section 25A.13 Zoning Approval Process**

- A. *Submission of zoning approval applications.* Activities which are not otherwise exempt from the zoning requirement shall submit applications for zoning approval on a form provided by the Township and filed with the Township in such number of duplicate copies as the Township may require. Applicants shall submit applications, the supporting information, and notices to the Township Supervisor by personal delivery, or by other means approved by the Township.
- B. *Completeness of applications.* Within thirty (30) days of receiving an application, the Township will determine whether the application is complete and notify the applicant of the status of the application. If the application is incomplete, the Township shall specifically identify the missing documents or information.
- C. *Tolling of time.* Processing deadlines for approval or denial of applications are tolled from the time the Township sends a notice of incompleteness to the time the applicant

submits the missing information. If the applicant's supplemental submission is inadequate, the Township will notify the applicant in writing within ten (10) days after receipt of the supplemental submission and delineate the missing documents or information. It is within the Township's discretion as to whether the processing deadline for approving or denying the application will be tolled in the case of second or subsequent notices of incompleteness.

- D. *Zoning approval application fees.* All applications for zoning approval pursuant to this Article shall be accompanied by the following non-refundable application fees:
1. \$1,000.00 for an application for a new wireless support structure or modification of an existing wireless support structure.
  2. \$500.00 for a new small cell wireless facility or modification of an existing small cell wireless facility.

E. *Timeline for approval or denial of application for zoning approval.* An application for zoning approval under this Article shall be processed on a nondiscriminatory and either approved or denied, in writing, subject to the following timelines:

1. Ninety (90) days after an application is received for modification of a wireless support structure or installation of a small cell wireless facility. If the Township does not approve or deny the completed application within said 90 days, the application shall be deemed approved.
2. One hundred and fifty (150) days after an application is received for a new wireless support structure. If the Township does not approve or deny the completed application within said 150 days, the application shall be deemed approved.

3. The time period for approval may be extended by mutual agreement between the applicant and authority.
4. If the applicant intends to proceed with the permitted activity on a deemed approved basis after the otherwise applicable 90-day or 150-day time period elapses, the applicant must notify the Township of its intention to invoke the deemed approved remedy with at least fifteen (15) days' advance written notice that the applicant will be proceeding with the work pursuant to such automatic approval.

- F. *Reasons for denial.* The Township will not deny an otherwise properly completed application for zoning approval unless all of the following conditions are met:
1. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously;
  2. There is a reasonable basis for the denial; and
  3. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

G. *Construction following zoning approval.* The construction for the modification of existing or installation of new small cell wireless facilities, or new wireless support structures used for such small cell wireless facilities, for which zoning approval is granted, shall be commenced within one (1) year of issuance of zoning approval, unless the Township and the applicant agree to extend this period or a delay is caused by the lack of commercial power or communications at the site. If a wireless provider fails to commence such construction within one (1) year, the zoning approval shall be void, and the wireless provider may reapply for zoning approval.

H. *Township right to revoke zoning approval.* The Township may, upon thirty (30) days' written notice, revoke a zoning approval issued pursuant to this Article if the permitted small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

#### **Section 25A.14 Dispute Resolution**

The Circuit Court of Ottawa County, Michigan shall have exclusive jurisdiction to resolve all disputes arising under the Act. Pending resolution of a dispute concerning rates for colocation of small cell wireless facilities on Township utility poles within the right-of-way, the Township shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per facility, per year, per pole, with rates to be determined upon final resolution of the dispute.

#### **Section 25A.15 Indemnification**

Other than for liabilities and losses due to or caused by the sole negligence of the Township or its employees or agents, a wireless provider shall defend, indemnify and hold harmless the Township, and its officers, agents, and employees, against all claims, demands, damages, lawsuits, judgements, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the wireless provider, its contractors, its subcontractors, or any officers, employees or agents of such.

#### **Section 25A.16 Insurance**

A. *Coverages and limits.* At all times during the period in which a wireless provider's facilities are located on Township infrastructure, improvements, or otherwise within a Township right-of-way, the wireless provider shall, at its own sole cost and expense, carry the following insurance coverages:

1. Property insurance for its property's replacement cost against all risks;
2. Workers' Compensation insurance within statutory limits as required by law; and
3. Commercial general liability insurance with respect to its activities on the Township infrastructure, improvements or rights-of-way, including coverage for bodily injury and property damage, with limits not less than:
  - i. Five million dollars for bodily injury or death to each person;
  - ii. Five million dollars for property damage resulting from any one accident; and
  - iii. Five million dollars for all other types of liability.

B. *Additional insured and copies.* The wireless provider shall include the Township as an additional insured on the commercial general liability policy and shall provide certificates of insurance and proof of inclusion of the Township in a commercial general liability policy to the Township Supervisor prior to the colocation of any small cell wireless facility, and shall keep updated certificates and proof of inclusion on file with the Township at all times that the provider maintains small cell wireless facilities within the Township.

C. *Self-insurance.* A wireless provider may self-insure all or a portion of the insurance

coverage and limits required by the Township. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement that the Township be named an additional insured. A wireless provider that self-insures shall provide to the Township evidence sufficient to demonstrate its financial ability to self-insure the insurance limits required by the Township.

- D. *Effect of insurance and self-insurance on wireless provider's liability.* The legal liability of the wireless provider to the Township and any person for any of the matters that are the subject of the insurance policies or insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

and the prior owner if the new owner uses the small cell wireless facility or allows it to remain on the Township's right-of-way.

- D. *Insurance and bonding.* All required insurance, coverage or bonding must be changed to reflect the name of the new owner upon transfer.

**Created October 7, 2019  
Ord. #2019-11**

**Section 25A.16 Change of Ownership**

- A. *Notification of change.* A wireless provider shall notify the Township not less than thirty (30) days prior to the transfer of ownership or control of any small cell wireless facility in the right-of-way or change the name and contact information of the new wireless provider.
- B. *Rights and obligations of new owner.* The new owner of the wireless provider or the small cell wireless facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article with respect to the work and facilities in the right-of-way.
- C. *Amended permit.* A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be bound by the terms and conditions of the permit and any applicable agreement between the Township

## ARTICLE 26 NONCONFORMING USES, STRUCTURES, AND LOTS

Updated January 22, 2007

### Sec. 26.01 CONTINUANCE OF NONCONFORMING USES OR STRUCTURES.

The lawful use of any building or structure and of any land or premises as existing and lawful at the time of enactment of this Zoning Ordinance, or, in the case of an amendment of this ordinance, then at the time of such amendment, may be continued although such use does not conform with the provisions of this ordinance or amendment. It is the intent of this Ordinance to permit these nonconformities to continue, but not to encourage their survival.

### Sec. 26.02 NONCONFORMING LOTS.

Where an existing residentially zoned platted lot has an area of not less than ninety (90) percent of its zone district area requirements and where such lot can provide the side yard requirements of its zone, a one-family use is permitted. An existing platted lot of less than ninety (90) percent of its zone district requirements may be utilized for a one-family use, and for such purpose the required side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided that no side yard shall be less than five (5) feet and that off-street parking requirements are met.

### Sec. 26.03 EXPANSION.

Structures or uses nonconforming by reason of height and area, or parking and loading provisions only may be extended, enlarged, altered, remodeled or modernized provided that all height and area, parking and loading provisions are met with respect to any extension or enlargement and provided the Zoning Inspector shall determine that any alteration, remodeling, or modernization shall not substantially extend the life of any nonconforming structure. Any structure which is nonconforming at the time of enactment of this ordinance or amendment by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking or loading space shall not thereafter be permitted to use such additionally acquired parking or any loading space to meet requirements for any extension, enlargement or change of use to one requiring greater areas for parking and/or unloading.

No other nonconforming use of any land or structure shall hereafter be enlarged or extended except after the approval of the Board of Appeals. Approval shall be granted only upon a finding of all of the following facts:

- A. That the enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use



became nonconforming do not in total exceed fifty percent (50%) of the area of the originally nonconforming area;

- B. That the enlargement or extension will not become a precedent for other variations in the area;
- C. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this ordinance.

**Sec. 26.04 RESTORATION AND REPAIR.**

Repairs and maintenance work which are required to keep a nonconforming building or structure in a sound condition may be made. In the event any nonconforming building or structure is damaged by fire, wind, or an Act of God or the Public enemy, it may be rebuilt or restored provided that the cost of rebuilding or restoring the structure the cost thereof shall not exceed one half (1/2) the value of such building or structure. If the cost or rebuilding or restoring the building or structure exceeds one-half (1/2) the value thereof, then the rebuilding or restoration of the structure shall be permitted only with the approval of the Board of Appeals. Approval shall be granted only upon a finding:

- A. That such rebuilding or restoration will not substantially extend the probable duration of the nonconforming use, or
- B. That circumstances are such that the land previously occupied by the nonconforming use cannot then be

advantageously used for a use permitted in the zone.

**Sec. 26.05 NONCONFORMING USE DISCONTINUED.**

In the event that any nonconforming use is discontinued for a period of one (1) year, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

**Sec. 26.06 BUILDING UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE.**

Any building shall be considered to have been lawfully in use for the purpose for which constructed if on the effective date of this ordinance a building permit had been obtained therefore, if required, and a substantial start has been made on construction. If a building permit is not required than a substantial start has been made on construction to establish a lawful use. A building permit may be revoked if all construction is not diligently pursued to completion.

**Sec. 26.07 BUILDINGS IMPOSSIBLE TO BE BROUGHT INTO CONFORMITY.**

Any building or structure constructed or erected after the effective date of this Ordinance, but for any reason does not comply with the provisions of this Ordinance and which cannot legally be brought into conformity with this ordinance shall be removed by the owner. Should the owner fail to remove said building, a hearing shall be held before the Planning Commission, which after said hearing, may

order the building or structure removed within 60 days. If the building is not removed within said 60-day period the Charter Township Board may have the building or structure removed and the costs thereof shall be paid for by the owner. Notice of the hearing before the Planning Commission shall be given to the owner or any interested party at least ten (10) days prior to said hearing by certified mail and any owner or interested party may be present at said hearing either in person or by his attorney.

**Sec. 26.08 SPECIAL LAND USE DESIGNATION.**

In case of a nonconforming use which is a use designated as a Special Land Use by this Ordinance, the nonconforming status may be removed after appropriate action has been taken and the use has been approved in accordance with the provisions of this Ordinance. It shall be the responsibility of the owner or person requesting the Special Land Use designation to initiate the request in accordance with the procedures specified in Article 20.

**Sec. 26.09 NON CONFORMITY CREATED BY EXPANSION OF RIGHT OF WAY.**

When, because additional right of way has been acquired, by purchase or by exercise of the power of eminent domain, from a lot with an existing structure on it which is located along the State Trunkline of M-45 (Lake Michigan Drive) for purposes of street construction, street widening, street relocation, or utility location, there results a nonconformance with a required minimum setback or yard requirement, a lot width or

lot area requirement, or a parking requirement of this ordinance, existing buildings or structures rendered nonconforming thereby shall, notwithstanding Section 26.03 and Section 26.04 of this ordinance to the contrary, be permitted to be extended, enlarged, altered, remodeled, modernized, rebuilt, or restored, provided that (1) the specific nonconformity created when the right-of-way was acquired is not increased; and (2) all such extended, altered, remodeled, modernized, rebuilt, or restored buildings and structures shall conform to all other requirements of this ordinance. However, the provisions of this section shall not apply to buildings or structures which have a setback from the new right-of-way line of less than 50% of the required minimum setback; such buildings and structures may be extended, enlarged, altered, remodeled, or modernized only if first approved by the Board of Appeals as is provided in Section 26.03, and may be rebuilt or restored only if first approved by the Board of Appeals as is provided in Section 26.04.

**Sec. 26.10 APPEAL.**

Any party aggrieved by any order, determination, or decision of the Zoning Administrator, Township Board, Planning Commission or Zoning Board of Appeals with respect to a nonconforming situation may appeal to the circuit court.

**ARTICLE 27**  
**ADMINISTRATION AND ENFORCEMENT**

Updated 7-1-18

**Sec. 27.01 OFFICE OF ZONING ADMINISTRATOR CREATED.**

There is hereby established the office of Zoning Administrator.

**Sec. 27.02 ZONING ADMINISTRATION.**

The Zoning Administrator (including any authorized representatives) is the person responsible for administering the provisions of this Ordinance, unless the Ordinance provides otherwise. The Zoning Administrator shall be appointed by the Charter Township Board.

**Sec. 27.03 ELIGIBILITY.**

To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, on good practice in fire prevention, and the proper installation of safety, health, and sanitary facilities. He shall be in good health and physically capable of fulfilling his duties. In case he is personally interested in the construction of any building subject to the provision of this code, the Charter Township Board shall designate some other person to examine the plans, to inspect such building and to issue the necessary permits, approvals, and certificates.

**Sec. 27.04 PERMIT FOR ERECTION OR ALTERATION OF BUILDINGS AND STRUCTURES.**

**A. Application.** Except as otherwise provided, no person shall erect, construct, or cause to be erected or constructed any new building or structure or to alter any existing building or structure with a value of \$1,000 or more, until a permit therefore has been obtained from the Zoning Administrator by the owner or his duly authorized agent.

Application for a permit shall be in writing and upon duplicate printed forms furnished by the Zoning Administrator. Permits shall be nontransferable and must be obtained before any work, excavation, erection, alteration, or movement is begun. Satisfactory evidence of ownership of the premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies over his signature, shall file one copy in the office of the Zoning Administrator return the other copy to the applicant together with a construction card signed by the Zoning Administrator stating the extent of the work authorized, which card shall be attached to and remain on the premises during the progress of the work authorized.

Regardless of whether a permit is required for a proposed building, use, fence, sign, or other structure, all such facilities must comply with the requirements of this Ordinance and other provisions of the township code.

**B. Contents of Application.** Each application shall show, among other matters, the location and actual dimensions of the land to which the permit is to apply; the kind of buildings or structures to be erected or altered; the width of all abutting streets and highways; the area, size, and location of all buildings or structures erected or to be erected or altered upon premises; and the type of use to be made of the building or structure to be erected or altered. Provided, however, that the Zoning Administrator is hereby empowered to waive the inclusion of any item specified herein in any case in which the facts are not pertinent.

**C. Accessory Buildings or Structures.** Accessory buildings or structures, when erected or altered at the same time as the principal building on the same lot or premises and when shown on the application for a building permit, shall not require the issuance of a separate building permit. However, a permit is required for the erection or alteration of any accessory building or structure as defined in this ordinance when the same is erected or altered separately or at a different time than the principal building on the same lot or premises.

**D. Approval of Application.** When the terms of this ordinance shall requires the

approval of the Board of Appeals or of the Planning Commission, both copies of the application shall be marked "approved" by said Board of Appeals or said Planning Commission, if approved.

In addition, the Zoning Administrator shall mark the application as provided above.

**E. Issuance of Permit.** Within ten (10) days after receipt of any application or within ten (10) days after the approval of any application by the Board of Appeals or the Planning Commission where the same is required under this ordinance, the Zoning Administrator shall issue a permit to the owner or his agent, provided the building or structure of the proposed erection or alteration, as set forth in the application, are in conformity with the provisions of this ordinance. If the permit is refused, the Zoning Administrator shall state the reason or cause for such refusal in writing.

**F. Expiration of Permits.** A permit is valid for one year from the date of issuance and the construction authorized by it shall be completed within that time. However, if the construction has proceeded above the foundation walls within that time, the permit may be renewed at no additional cost. If construction has not proceeded beyond the foundation walls within the one year period, the permit may be renewed by reapplication and payment of one half (1/2) of the original building permit fee, subject however, to the provisions of ordinances in force at the time of such renewal.

**G. Cancellation of Permits.** The Zoning Administrator has the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this ordinance, or in case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing.

**H. Fees.** With each application for permit where the value is \$1,000 or more a fee shall be paid to the township to defray the cost of reviewing the application and administering the provisions of this Ordinance. Fees shall be established by resolution of the Charter Township Board, adopted and amended from time to time, as necessary.

The amount of such fees shall be determined from the estimated value of the building or structure as set forth in the application for the permit. If, upon completion of the building or structure the Building Inspector determines that the estimated cost did not represent a fair valuation of the cost of the building or structure, he shall notify the applicant in writing of the permit fee deficiency and the building or structure shall not be used until such deficiency has been paid to the Township.

In addition, the special fees shall be paid to the Zoning Administrator who shall remit the same to the Charter Township Treasurer. The payment of such fees is a condition precedent to the approval of a special use permit, site plan review, temporary office building or yard for

construction, permanent or temporary sign permit, razing or moving of a house permit, appeal to the Board of Zoning Appeals, special meetings, zone change, or amendment. The township board shall, from time to time, adopt by resolution a schedule of fees relative to each of the above requests. No action shall be taken on such a request unless or until the applicable fee(s) has been paid.

Where structures are started or are occupied before permit, zoning change, or variance is granted, the fees as listed shall be doubled but payment of such double fees shall not relieve any person from fully complying with the requirements of this Zoning Ordinance.

Value or cost of a building project shall be based on the contract price, including all sub-contracts such as electrical, plumbing, mechanical, parking lots, etc. Evidence of these costs shall be represented by the building permit applicant.

All fees shall be retained by the Zoning Inspector whether a permit is granted or denied and all such fees shall be remitted to the Charter Township Treasurer. No application shall be accepted and no permit shall be valid until said fees have been paid.

**Sec. 27.05 INSPECTION OF BUILDINGS AND STRUCTURES.**

**A.** As work progresses under a zoning permit, the holder thereof or his authorized agent shall cause the Zoning

Administrator to be notified at each of the following stages of construction:

1. Upon the completion of the footings and of the foundation walls.
  2. Upon completion of the rough frame of the structure, including the application of roof shingles and side wall sheathing and the installation of wiring and rough plumbing and chimneys and before lath is applied.
  3. Upon total completion of the work authorized by the zoning permit and before occupancy.
- B.** Inspections of the building or structure shall be made as soon as reasonably practicable following receipt of notification.
- C.** Should the permit holder fail to comply with the requirements at any stage of construction, the Zoning Administrator is hereby authorized to cancel the permit issued and shall cause notice of such cancellation to be posted upon the construction. Posting shall be considered as service upon and notice to the permit holder of the cancellation of the permit. No further work shall be undertaken or permitted upon such construction until a valid permit shall thereafter have been issued.

**Sec. 27.06 CERTIFICATION OF COMPLIANCE.**

No building or structure or part thereof hereafter erected or altered and subject to the provisions of this ordinance shall be used in

whole or in part until the owner thereof shall have been issued a certificate by the Zoning Administrator affirming that such building or structure conforms in all respects so the provisions of this ordinance. Such certificate shall be issued not more than one (1) business day after the final inspection has been made.

**Sec. 27.07 Pre-Construction Meeting and Public Utilities.**

*Updated 7-1-2018  
Ord. No. 2018-6*

For any plat, condominium development, planned unit development, major residential development pursuant to Section 23.06 of this ordinance, or other relevant project, at no time shall a preconstruction meeting be held or scheduled until all permits have been issued by the State of Michigan including but not limited to, a water and or sewer permit for the project. Water meters shall not be provided and building or utility connections shall not be permitted until substantial completion has been achieved as defined within the Standard Construction Requirements of the Township.

Certificates of Occupancy shall not be issued until the completion of public utilities, as defined by the Township, and acceptance of ownership of the system by the Township occurs.

*Updated 7-1-2018  
Ord. No. 2018-6*

**ARTICLE 28  
ZONING BOARD OF APPEALS**

**Sec. 28.01 CREATION.**

There is hereby created a Zoning Board of Appeals which have the powers and jurisdiction as provided by Act 110 of the Public Acts of 2006, and by certain provisions of this ordinance. The Zoning Board of Appeals shall consist of seven (7) electors of the Township. The membership of the Board shall be as provided by said Act.

**Sec. 28.02 ADDITIONAL JURISDICTION.**

In addition to the duties and powers prescribed in the previous sections of this ordinance, the Board of Appeals shall hear and decide all matters relating to the following:

- A. The Board of Appeals shall hear and decide appeals from and review any order, requirements, decisions, or determinations made by any administrative official charged with the enforcement of any provisions of this ordinance, except that the Board of Appeals shall not hear and decide appeals from any decision or order of the Planning Commission with respect to applications for Special Use permits or any conditions imposed by the Planning Commission in approving a Special Use permit.

In addition the Board of Appeals shall not hear and decide appeals from a

decision by the Township Board with regard to its approval or denial of a Planned Unit Development (PUD) or any conditions imposed by the Township Board in approving a Planned Unit Development except as follows:

The Board of Appeals may hear and decide appeals for variances regarding the area regulations established by the ordinance creating the PUD district or if no area regulations have been established then the area regulations which would otherwise be applicable to the uses allowed in the PUD which pertain to required yards, lot area and width, building height, parking, accessory buildings or other similar area regulations. In considering such variances the Board of Appeals shall follow the procedures and other requirements of this Article 28.

- B. The Board of Appeals shall act upon all questions as they may arise in the administration of this ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures as such Board of Appeals.

**Sec. 28.03 PROCEDURE ON APPEAL.**

- A. All appeals from any order, requirements, decision, or determination or any administrative official shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the officer

from whom the appeals are taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken. Each appeal or application to the Board of Appeals shall be accompanied by a filing fee as specified by resolution of the Charter Township Board.

- B.** The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of any administrative official or to decide in favor of the appellant on any matter appealed.
- C.** The Board of Appeals shall fix a reasonable time for a public hearing on the appeal and give due notice thereof to the parties. The Board shall decide the appeal within a reasonable time after said hearing. At the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as in its opinion ought to be done, and to that end shall have all the powers of the administrative official from whom the appeal was taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the rules, regulations, or

provisions relating to the construction, erection, or alteration of buildings or structures so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done. The Board of Appeals shall state the grounds of each determination.

- D.** Upon receipt of an appeal, notice of a public hearing on the appeal shall be published in a local newspaper of general circulation and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than fifteen (15) days before the date of the public hearing. The



notice of public hearing must contain the following information: a description of the nature of the request, a description of the property in question (using the street address if available), the time and place of the hearing, and when and where written comments will be received concerning the request.

**Sec. 28.04 VARIANCES; POWERS AND STANDARDS.**

The Board of Appeals shall have the power to hear and decide in accordance with the provisions of this ordinance any request for interpretation of the Zoning Ordinance, requests for variances, and decide any special questions on which the Board is authorized to pass.

The Board shall have the power to authorize, upon appeal in specific cases, such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest, but only in such cases where the Board finds beyond a reasonable doubt that owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this ordinance would cause practical difficulty and where it finds that all of the following facts and conditions exist:

A. That compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

B. That the granting of the variance applied for would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

C. That the plight of the landowner is due to the unique circumstances of the property.

D. That the problem is not self-created, nor created by the applicant's predecessor in interest.

E. That granting the variance will insure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

**Sec. 28.05 LAND USE VARIANCES.**

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The Board of Appeals cannot grant use variances at all or use its variance authority to accomplish what would, in effect, be rezoning.

**Sec. 28.06 RECONSIDERATION OF A DECISION OF THE BOARD.**

The Board of Appeals may reconsider its decision on any matter provided that a request for reconsideration is filed with the Township Zoning Administrator within

fifteen (15) days of the date of decision. The request for reconsideration shall include submission of substantial new evidence that was not available at the time of the hearing. In the event that the Board of Appeals decides to reconsider a decision, it shall schedule a new hearing and proper notice given to all affected property owners and occupants.

**Sec. 28.07 BOARD MEMBERS ACTIONS.**

Members of the Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misfeasance in office.

**Sec. 28.08 QUORUM, VOTE.**

The Board of Appeals shall not conduct business unless a majority of the members of the board are present. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under or to effect any variation from the provisions of this ordinance.

**Sec. 28.09 STAY OF PROCEEDINGS.**

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the township Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

**Sec. 28.10 DECISION FINAL.**

Any decision of the Board of Appeals rendered pursuant to this Article shall be final. However, a party aggrieved by the decision may appeal to the circuit court.

**Updated 9-22-12**

## ARTICLE 29 AMENDMENTS AND DISTRICT CHANGES; PROCEDURES

Updated 10-26-2020

Whenever the public necessity, convenience, general welfare or good zoning practice require, the regulations, restrictions, and district boundaries set forth in this ordinance may be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until a public hearing is held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

An amendment, supplement, or change to the text or map of the Zoning Ordinance may be initiated by the Charter Township Board or the Charter Township Planning Commission on a motion by either of these bodies, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this ordinance.

### Sec. 29.01 PROCEDURE FOR CHANGES.

**A. APPLICATIONS.** An application for amendment or district change shall be submitted to the Allendale Charter Township Planning Commission on forms prescribed by the Planning Commission. Each application must be complete, and the Planning Commission may reject any application which is not complete. Each application shall be accompanied by the appropriate filing fee.

*(Ord. No. 2017-10, eff. 10-16-2017)*

**B. NOTICE OF PUBLIC HEARING.** Before submitting its recommendations on a proposed amendment of the text or a district change, the Planning

Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be given as required by the Michigan Zoning Enabling Act. The notice shall be given not less than fifteen (15) days before the date of the public hearing. Notice shall be published in a local newspaper of general circulation. For district changes involving ten or fewer adjacent properties, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice of public hearing must contain the following information: a description of the nature of the request, a description of the property in question (using the street addresses if available, unless 11 or more adjacent properties are proposed for rezoning, in which case street addresses are not required), the time and place of the public hearing, and when and where written comments will be received concerning the request.

Not less than fifteen (15) days notice of the time and place of such hearing shall also be given by certified mail to each electric, gas, pipeline, and telephone public utility company that registers its name and mailing address with the Planning Commission for the purpose of receiving such notice and to each railroad operating within the district or zone affected. The notices shall include the places and times at which the proposed amendment to the text or the district change any maps of this ordinance may be examined.

**C. PUBLIC HEARING.** The public hearing shall be held on the date and at the time specified in the notice. The public hearing may be adjourned by the Planning Commission for good cause. In that event, notices of the adjourned hearing shall be given in the same manner as specified above, and the party requesting the adjournment shall reimburse the Township for the costs of re-noticing the adjourned public hearing. The public hearing shall be conducted by the Planning Commission, and all interested persons shall be afforded an opportunity to present written or oral comments.

**D. REZONING EVALUATION FACTORS.** In considering a request for a district change, the Planning Commission and Township Board should evaluate the extent that the request meets the following:

1. Consistency with the Master Plan text and its maps.
  2. Compatibility with the existing zoning districts as well as existing and possible future uses in those zoning districts.
  3. The capability of the land to support the uses permitted by the requested zoning district and whether the uses permitted are capable of being adequately served by the following:
    - a. The existing transportation network.
    - b. Utilities.
    - c. The environment.
    - d. Other public improvements.
    - e. Relevant governmental agencies.
- (Ord. No. 2020-4, eff. 10-26-2020)*

**E. CHARTER TOWNSHIP BOARD.** The Planning Commission shall then submit the proposed amendment to the Charter Township Board recommending, in writing, that it be granted or denied. After receiving the report, the Charter Township Board shall grant a hearing on the proposed amendment to any property owner who by certified mail requests to be so heard or may schedule a hearing on the matter of its own volition. The Charter Township Board shall request that a representative of the Planning Commission to attend any such hearing to present its recommendation on the matter.

**Sec. 29.02 RE-HEARING ON CHANGES.**

Whenever a proposed amendment or district change has not been adopted by the Charter Township Board, the Planning Commission shall not consider the same amendment or

district change for a period of one (1) year, unless it is determines that new conditions and circumstances exist, or unless the Township Board initiates a request for such amendment or district change.

*Updated 6-12-17  
Ord. No. 2017-7*

*Updated 10-16-17  
Ord. No. 2017-10*

*Updated 10-26-20  
Ord. No. 2020-4*

**ARTICLE 30  
PENALTIES FOR VIOLATION**

Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement thereof shall be responsible for a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Municipal Civil Infraction Ordinance and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased civil fines shall be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

**A.** The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;

**B.** The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

The Township Zoning Administrator, members of the Ottawa County Sheriff's Department assigned to the Township,

members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, or other persons designated by the Township Board as Township Ordinance Enforcement Officers are hereby designated as Authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Allendale Charter Township Municipal Ordinance Violations Bureau) as provided in the Municipal Civil Infraction Ordinance adopted by the Township.



**ARTICLE 31  
SEPARABILITY CLAUSE**

Sections of this ordinance shall be deemed severable, and should any article, section, subsection, paragraph, sentence, or phrase of this ordinance be declared by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, such

decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid, unenforceable, or unconstitutional.



**ARTICLE 32****DEFINITIONS**

Updated 3-30-2020

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

**Sec. 32.01 USAGE.**

The word “person” includes a firm, association, organization, partnership trust, company, or corporation as well as an individual. Words used in the present tense include the future tense. The singular includes the plural; the plural includes the singular. The word “lot” includes the words “plot” or “parcel”. The word “shall” is mandatory; the word “may” is permissive, the word “used” or “occupied” includes the words “intended, designed, or arranged to be used or occupied”.

**Sec. 32.02 DEFINITIONS (A).****ACCESSORY USE OR STRUCTURE.**

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**ADULT FOSTER CARE SMALL**

**GROUP HOME.** A private home which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of such care.

**AFFILIATE FARM.** A farm under the same ownership or control as a farm market.

**AGRICULTURAL LABOR HOUSING.**

A tract of land and all tents, vehicles,

buildings and other structures pertaining thereto which is established, occupied or used as living quarters for five (5) or more migratory workers engaged in agricultural activities including related food processing, and licensed under the provisions of PA 289 of 1965, as amended.

**AGRICULTURAL RELATED SERVICE**

**ESTABLISHMENT.** Any premises used in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading and packing of fruits and vegetables, and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; kennels; veterinary services; packing plants; processing plants; slaughterhouses; cold storage facilities; and facilities used in the research and testing of farm products and techniques.

**ALTERATIONS, STRUCTURAL.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof.

**ANIMAL RAISING, INTENSIVE.** The use of any premises for the raising or keeping of animals at a density exceeding the limits established in Section 23.02.A or B.

**AUTOMOBILE REPAIR-MAJOR.** General repair, rebuilding, or reconditioning of engines, motors or trailers; or collision service, including body repair and frame straightening; or painting and upholstering; vehicle steam cleaning and undercoating; and tire retreading.

**AUTOMOBILE REPAIR-MINOR.** Minor repairs, incidental replacement of parts and motor service such as tune-ups, lubrication, tire repair, and electrical work, to passenger automobiles and trucks not exceeding two (2) tons capacity, but not including any operation specified under “Automobile Repair-Major”.

**Sec. 32.03 DEFINITIONS (B).**

**BEDROOM.** A private room within a dwelling unit utilized, planned or intended for sleeping which has one or more windows and closets and is separated from other rooms by a door.

**BOARDER.** A person occupying a dwelling for a period that exceeds six (6) consecutive days, or ten non-consecutive days in a three-month period where meals or lodging are provided for compensation, and who is not a member of the family or household that may also occupy the dwelling.

**BOARDING HOUSE.** A dwelling where meals or lodging are provided for compensation to three (3) or more persons who are not members of the family that occupies the dwelling for a period that exceeds six (6) consecutive days, or ten non-consecutive days in a three-month period.

**BUILDING.** Any enclosed structure, either temporary or permanent, having a roof that is intended to be used for the purpose of housing persons, or of storing animals or chattels, or of carrying on business activities, or of other similar uses.

**BUILDING, HEIGHT OF.** The vertical distance measured from finished grade (as defined by this Ordinance) to a certain point on the roof of the building, determined as follows:

1. **Flat roof:** The certain point is the highest point.
2. **Mansard roof:** The certain point is the deck line.
3. **Gable, shed, warped or hip roof:** The certain point is the average distance between the plate of the building and ridge of the roof.
4. **Gambrel roof:** The certain point is the average distance between the break line and the ridge of the roof.

**BUILDING, MAIN OR PRINCIPLE.** A building in which is conducted the principle or main use of the lot on which it is situated.

**BUILDING PERMIT.** The written authority issued by the building inspector on behalf of the Township, permitting the construction, moving, alteration, or use of a building or structure in conformity with the provisions of this ordinance and the Township building code.

**Sec. 32.04 DEFINITIONS (C).**

**CHILD CARE CENTER.** A facility other than a home where one or more children are received for care and supervision. Two staff persons are required. Preschools and day nurseries are included in this definition.

**CHURCH.** A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**CLINIC, DENTAL, OR MEDICAL.**

A building in which a group of physicians, dentists, or physicians and dentists or related medical professionals and their allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include in-patient care or operating rooms for major surgery.

**COMMERCIAL ESTABLISHMENT.**

A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a

shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public and in an office building, a business holding itself out to the public as a single entity independent of other businesses or persons.

**CONDOMINIUM ACT.** Public Act 59 of 1978, as amended. (*Ord.2014-4, Eff.3-16-14*)

**CONDOMINIUM, SITE**

**CONDOMINIUM PROJECT.** A plan or project consisting of not less than two condominium units or two site condominium units established in conformance with the Condominium Act. (*Ord.2014-4, Eff.3-16-14*)

**CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project, within which a building or other improvements may be constructed by the condominium unit owner.

**CONVALESCENT, NURSING OR**

**GROUP HOME.** A home in which more than six (6) resident persons are cared for. Said home is for the aged or infirm, or a place for those suffering bodily disorders, mental illness, mental retardation, or for the care of children. Said home shall conform and qualify for license under State law.

**CONFINED FEEDING OPERATION.**

A feedlot or facility, other than a pasture, where animals have been, are, or will be confined, maintained, or stabled for a total of 45 consecutive days or more in any 12 month period.

**CUL-DE-SAC.** That portion of a dead end public or private street which consists of a circular or semi-circular section of street which allows for a vehicle turn-around.

*(Ord.2014-4, Eff.3-16-14)*

**Sec. 32.05 DEFINITIONS (D).**

**DENSITY.** The number of bedrooms or dwelling units per unit of land as regulated by this Ordinance.

**DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DEVELOPMENT SITE.** Any land on which development has taken place or is planned to take place.

**DORMITORY.** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same household group.

**DWELLING.** Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily by one or more persons.

1. **Dwelling, Single-Family:** A detached residence, designed for use or occupancy by one (1) household only, with housekeeping facilities.
2. **Dwelling, Two-Family:** A residence designed for use or occupancy by two (2) households only, with separate housekeeping facilities for each.
3. **Dwelling, Multi-Family:** A residence designed for use or occupancy by three (3) or more households, with separate housekeeping facilities for each.

**DWELLING UNIT.** One (1) room or a suite of two (2) or more rooms designed for use or occupancy by one (1) household for living and sleeping purposes with housekeeping facilities.

**DWELLING, FARM.** A dwelling unit located on a farm which is used or intended for use by the farm’s owner, operator, or person employed thereon. Only one farm dwelling shall be permitted on each farm.

**DWELLING, NON-FARM.** A dwelling unit located in the AG zoning district which is not a “farm dwelling” and which is designed for occupancy by a single family.

**Sec. 32.06 DEFINITIONS (E).**

**Sec. 32.07 DEFINITIONS (F).**

**FABRICATION.** Fabrication means the stamping, cutting, or otherwise shaping of processed materials into useful objects.

**FAMILY.** One (1) or more persons occupying a single non-profit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoptions, or other domestic bond. This definition does not include any society, combine, club, fraternity, sorority, association, federation, lodge, coterie, organization or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

**FAMILY DAY-CARE HOME.** A private home in which one to six children are received for care and supervision, including those children less than 7 years old in the resident family. This number shall not include more than two children younger than 12 months old.

**FARM.** Real property used for commercial agriculture, comprising at least forty (40) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a person, including all necessary farm buildings, structures and machinery. In addition, a tract of land may be considered a farm if it is between 5 and 40 acres and it is devote primarily to an agricultural use, and has produced a gross annual income from agriculture of \$200.00 or more per year per acre of cleared and tillable land.

**FARM BUILDINGS.** Any building or accessory structure other than a farm dwelling unit, which is used for farm operations, such as but not limited to a barn, silo, grain bin, farm implement storage building, or milk house.

**FARM MARKET.** A place, area, or buildings from which farm products produced on and by an affiliate farm are sold. A farm market must also meet one of the following requirements: the square footage devoted to the sale of such farm products must constitute at least 50 percent of the total square footage used to display all of the products offered for retail sale or at least 50 percent of the gross dollars of products sold must be from farm products produced on and by the affiliated farm.

**FARM OPERATIONS.** A condition or activity which occurs on a farm in connection with commercial agriculture, and includes but is not limited to marketing of produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

**FARM PRODUCTS.** Those plants and animals useful to man including but not limited to: forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, fruits and vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, fiber, feed, or fur.

**FLOOD.** A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation or runoff or surface waters from any sources.

**FLOOD HAZARD AREA.** The land within the township subject to a one percent (1%) chance of flooding in any given year. This land is identified as “zone A” on the official map.

**FLOODPROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

**FLOOD, 100-YEAR.** The condition of flooding having a one percent (1%) chance of annual occurrence.

**FLOOR AREA.** The sum of the gross horizontal areas of the several finished floors of a building measured from the exterior faces of the exterior walls or from the centerline of wall separating two (2) buildings. Floor area shall not include elevator shafts, floor space having headroom of seven (7) feet or less, balconies or mezzanines. Any space devoted to off-street parking or loading shall not be counted as floor area. Areas of basements, mechanical rooms, breezeways, porches or attached garages are not included, except that the floor area of the building shall include all finished stories above grade area.

**FRATERNITY OR SORORITY HOUSE.** A dwelling or dwelling unit maintained exclusively as a residence for members of the fraternity or sorority, and affiliated with

a college or university or chartered by a scholastic or professional organization.

**FRONT SETBACK LINE.** That line generally parallel to the front lot line marking the inside boundary of the required front yard.

**Sec. 32.08 DEFINITIONS (G).**

**GENERAL RULES.** The General Rules of the Michigan Department of Community Health, issued in connection with the MMMA. (*Ord. 2014-1, 12-22-14*)

**GRADE OR FINISHED GRADE.** A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

**GREENBELT.** A strip of land of definite width and location reserved for landscaping according to the requirements of this Ordinance.

**GROSS SITE AREA.** The total horizontal area within the lot lines of a lot including any easements and any area within a public or private street right of way if such area is included within the property description of the lot.

**GROUP DAY-CARE HOME.** A private home where from seven to twelve children

are received for care and supervision. This number shall not include more than two children younger than two years old. Two staff persons are required.

**GROUP HOUSING.** A dormitory, rooming house, boarding house, fraternity or sorority house, or any other dwelling unit whose household living arrangement is not in compliance with Section 3.15.B. either subsection 1, 2, 3, or 4.

**Sec. 32.09 DEFINITIONS (H).**

**HEIGHT.** See Building, Height of.

**HOME OCCUPATION.** Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary the use of the dwelling for residential purposes and does not involve any alteration of the structure or change the character thereof, and which complies with the requirements of Section 23.07.

**HOUSEHOLD.** An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the occupancy restrictions of Section 3.15 of this ordinance.

**HOUSEKEEPING UNIT.** A dwelling unit organized as a single entity in which the members of the household share common housekeeping facilities.

**HOUSEKEEPING FACILITIES.** Complete, independent living facilities, including areas for living, sleeping, eating, cooking, and sanitation, and the following

permanent fixtures and appliances: stove, refrigerator, kitchen sink, tub or shower, lavatory and water closet.

**Sec. 32.10 DEFINITIONS (I).**

**Sec. 32.11 DEFINITIONS (J).**

**JUNKYARD.** Any place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete, whether or not it is properly licensed.

**Sec. 32.12 DEFINITIONS (K).**

**KENNEL.** Any Lot or premises on which five (5) or more cats or dogs of more than six (6) months in age are kept temporarily or permanently, for the purpose of boarding, breeding, for sale, or otherwise, excluding a facility that is exclusive to only grooming services.

*(Ord.2020-2, Eff.3-30-20)*

**Sec. 32.13 DEFINITIONS (L).**

**LANDSCAPED.** The addition of lawns, trees, shrubbery, bedding plants and other natural and decorative materials to a development site.

**LOT.** A parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision or a site condominium unit and intended for

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individual ownership and use and which has frontage on a public or private street.

*(Ord.2014-4, Eff.3-16-14)*

**LOT, AREA.** The total horizontal area within the lot lines of a lot including any easements which may exist within such property lines and excluding rights of way for street or alley purposes.

**LOT, WIDTH.** The horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required setback line. For purposes of this Ordinance the setback line is also the building line.

*(Ord.2014-4, Eff.3-16-14)*

**LOT, CORNER.** A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

**LOT DEPTH.** The distance between the front lot line and the rear lot line measured along the median between the side lot lines.

*(Ord.2014-4, Eff.3-16-14)*

**LOT, DOUBLE FRONTAGE.** A lot which fronts on two parallel streets, or which fronts upon two streets that do not intersect at the boundaries of the lot.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE.** A boundary of a lot.

**LOT LINE, FRONT.** The lot line or lines separating the lot from a public or private street right-of-way or other access easement.

*(Ord.2014-4, Eff.3-16-14)*

**LOT LINE, REAR.** The boundary of a lot most distant from the front lot line and most

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nearly parallel with the front lot line or, in the case of an irregular size and shape lot, a

line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE.** Any lot line which is not a front lot line or a rear lot line.

**Sec. 32.14 DEFINITIONS (M).**

**MARIHUANA.** Also known as Marijuana, also known as Cannabis; shall have the meaning given to it in Section 7601 of the Michigan Public Health code, Public Act 368 of 1978, MCL 333.7106, as referred to in Section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to Marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the General Rules. *(Ord.2014-11, 12-22-14)*

**MEDICAL USE OF MARIHUANA.** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of Marihuana or paraphernalia relating to the administration of Marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.

**MMMA.** The Michigan Medical Marihuana Act; Public Act 2008, Initiated Law, as amended. *(Ord.2014-11, 12-22-14)*

**MOBILE HOME,  
PREMANUFACTURED UNIT.**

1. **Mobile Home.** A structure,



**MOTOR VEHICLE, INOPERABLE.**

Any motor vehicle which by reason of dismantling, disrepair or other cause

whatsoever is incapable of being propelled under its own power.

**MOTOR VEHICLE, DISMANTLED OR PARTIALLY DISMANTLED.**

Any motor vehicle from which some part or parts which are ordinarily a component of such motor vehicle have been removed or are missing.

**Sec. 32.15 DEFINITIONS (N).**

**NET SITE AREA.** The total horizontal area within the lot lines of a lot excluding any public or private street right of way which may be included in the property description of the lot and excluding any other site feature as specified by this Ordinance.

**Sec. 32.16 DEFINITIONS (O).**

**Sec. 32.17 DEFINITIONS (P).**

**PARKING AREA, SPACE, LOT.** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

**PLANNING COMMISSION.** The term “Planning Commission” or “Charter Township Planning Commission”, when used in this ordinance, means the Allendale Charter Township Planning Commission.

transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

- 2. **Premanufactured Unit.** An assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content. The term includes a mobile home.

**MOBILE HOME PARK OR SUBDIVISION.** A parcel or contiguous parcels of land divided into two or more lots for rent or for sale for the placement of mobile homes.

**MOTEL.** A building or group of buildings on the same lot which contains sleeping or dwelling units that may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by travelers. The term shall include any buildings or building groups designated as motor lodges, motor inns, or by any other title intended to identify them as providing lodging, with or without meals, for compensation.

**PRINCIPAL OR MAIN USE.** The primary or predominant use of the premises.

**PROCESSING.** Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operations described as fabrication.

**PROPERTY OWNER.** Any person(s) company, or entity that has deed to certain property, as last recorded with the Ottawa County Registrar of Deeds Office and is the person(s), company, or entity who receives legal notices, property taxes, property assessment, etc.

**Sec. 32.18 DEFINITIONS (Q).**

**Sec. 32.19 DEFINITIONS (R).**

**RESIDENTIAL ZONE OR DISTRICT.** All land located in the R-1, R-2, R-3, R-4 or R-5 zoning districts as shown on the official zoning map.

**RECREATIONAL VEHICLE.** A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

**ROOMING HOUSE.** A building arranged or used as a residence, with or without housekeeping facilities, where sleeping accommodations are provided individually to three (3) or more persons not members of the same household group.

**Sec. 32.20 DEFINITIONS (S).**

**SALVAGE YARD.** A junk yard.

**SETBACK, SETBACK LINE, BUILDING LINE.** The minimum horizontal distance set forth in the Allendale Township Zoning Ordinance for each district as measured from the front, rear and side lot lines which establishes the area within which buildings and structures must be erected or placed. Setback, Setback Line and Building Line are the same as Required Yard as defined herein. See Figure 32-2. *(Ord.2014-4, Eff.3-16-14)*

**SIGN.** Any outdoor structure, display, figure, painting, drawing, message, placard, poster, billboard, balloon, or other thing which is designated, intended, or used to advertise, direct, or inform.

**SITE PLAN.** A reproducible plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this ordinance.

**SITE CONDOMINIUM UNIT.** A condominium unit established in compliance with the Condominium Act which is a volume of air space defined by an area of land and a specified distance above and below the land surface designed and intended for separate ownership and use as

described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. A site condominium unit shall be considered a lot for purposes of this ordinance. *(Ord.2014-4, Eff.3-16-14)*

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**Article 32****SOLID WASTE DISPOSAL FACILITY.**

An area together with a structure to be

provided for in a site plan for the temporary on-site storage of solid waste and recyclable materials until removed from the site for disposal, which consists of one or more dumpsters or other appropriate containers for storage of solid waste and recyclable materials located in an enclosure with necessary access and turning lanes in accordance with the provisions of Section 24.11.I.

**SPECIAL USE.** Certain uses that may be permitted only after a review of the effects of such uses on adjoining lands and the general welfare of the township. Such uses require special consideration to insure compatibility and proper development in accordance with the intent of this Ordinance. Special uses are designated in the various zoning districts.

**SPECIAL USE PERMIT.** The procedure for authorizing a special use according to the requirements established in this Ordinance as prescribed in Article 20.

**STORY.** The portion of a building between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, than the space between the floor and the ceiling next above.

**STORY ABOVE GRADE.** Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

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1. More than 6 feet (1829mm) above grade plane;
2. More than 6 feet (1829mm) above the finished ground level for more than 50 percent of the total building perimeter; or
3. More than 12 feet (3658mm) above finished ground level at any point.

See the examples of the applications of this definition following.

**STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- a. before the improvement is started, or
- b. if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, as well as structures listed in

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**Article 32**

National or State Registers of historic places.

**SUPPORT SERVICES RESIDENCE.** A residence owned and operated by a non-profit organization, in which living quarters, meals, counseling and other support and care giving services are provided in a family environment, to persons in need of such services, as a transition to independent living. This definition does not include a fraternity, sorority, a state licensed foster care home or other facility providing legal custodial care.

**Sec. 32.21 DEFINITIONS (T).**

**TOWNSHIP.** The Charter Township of Allendale, in Ottawa County, Michigan.

**TOWNSHIP BOARD.** The Charter Township of Allendale Board of Trustees.

**TOURIST HOME.** A building or part thereof, other than a hotel, boarding house, lodging house, or motel where lodging is provided by a resident family in its home for compensation, mainly for transients.

**TRAFFIC SAFETY SIGHT AREA.**

A triangular area on a corner lot, two of the sides of such triangle being formed by extending two imaginary lines from the corner of the lot adjacent to the street intersection at least thirty (30) feet back to two points along the sides of the lot parallel to the two intersecting streets, the third side then being formed by the connection of such points.

**Sec. 32.22 DEFINITIONS (U).**

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**Allendale Township Zoning Ordinance**

**USES PERMITTED BY SPECIAL USE PERMIT.** Listed uses which may be

permitted in specified zoning districts provided that need for the use in the district can be established to the satisfaction of the Planning Commission based on the standards in Article 20.

**Sec. 32.23 DEFINITIONS (V).**

**VARIANCE.** A variance is defined as a modification of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure of size of yards and open spaces and off-street parking and off-street loading requirements; established or expansion of a use otherwise prohibited shall not be by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

**Sec. 32.24 DEFINITIONS (W-Z).**

**YARD.** The open space on a lot between the lot line and the foundation or wall of the principal building, whichever is closer.

*(Ord.2014-4, Eff.3-16-14)*

**YARD, REQUIRED.** The space between a lot line and the setback line. The required yards establish the area within which buildings and structures must be erected or placed. A Required Yard is the same as Setback, Setback Line and Building Line as defined herein. See Figure 32.2.

*(Ord.2014-4, Eff.3-16-14)*

**YARD-FRONT.** The space extending across the full width of the lot between the front lot line and the wall or foundation of the principal building whichever is closer. A corner lot has two (2) front yards. See Figure 32-1. *(Ord.2014-4, Eff.3-16-14)*

**YARD-REAR.** The space extending across the full width of the lot between the rear lot line and the wall or foundation of the principal building, whichever is closer. See Figure 32-1. *(Ord.2014-4, Eff.3-16-14)*

**YARD-SIDE.** The space between the side lot line and the wall or foundation of the principal building, whichever is closer, extending from the front yard to the rear yard. See Figure 32-1. *(Ord.2014-4, Eff.3-16-14)*

**ZONING BOARD OF APPEALS.** The Zoning Board of Appeals of Allendale Charter Township, created herein.

Updated 5-4-13  
Ord. No. 2013-2

Updated 12-22-14  
Ord. No. 2014-11

Updated 8-24-13  
Ord. No. 2013-16

Updated 3-30-20  
Ord. No. 2020-2

Updated 2-24-14  
Ord. No. 2014-3

Figure 32-1  
Yard Example

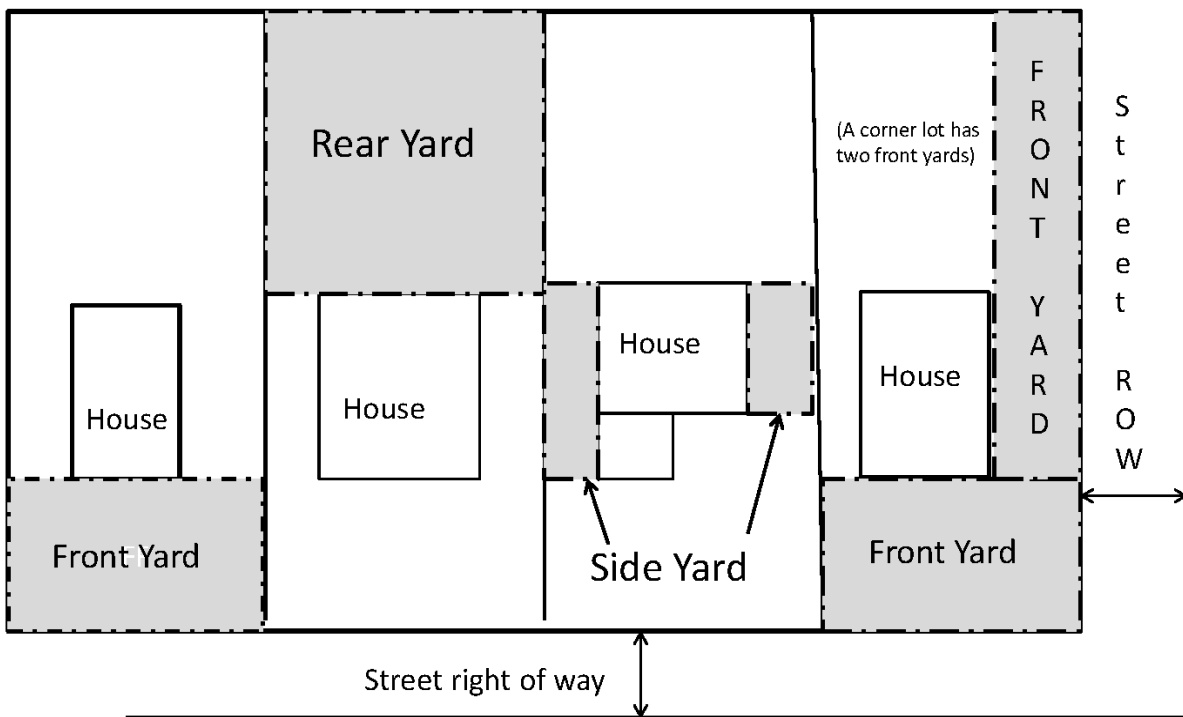
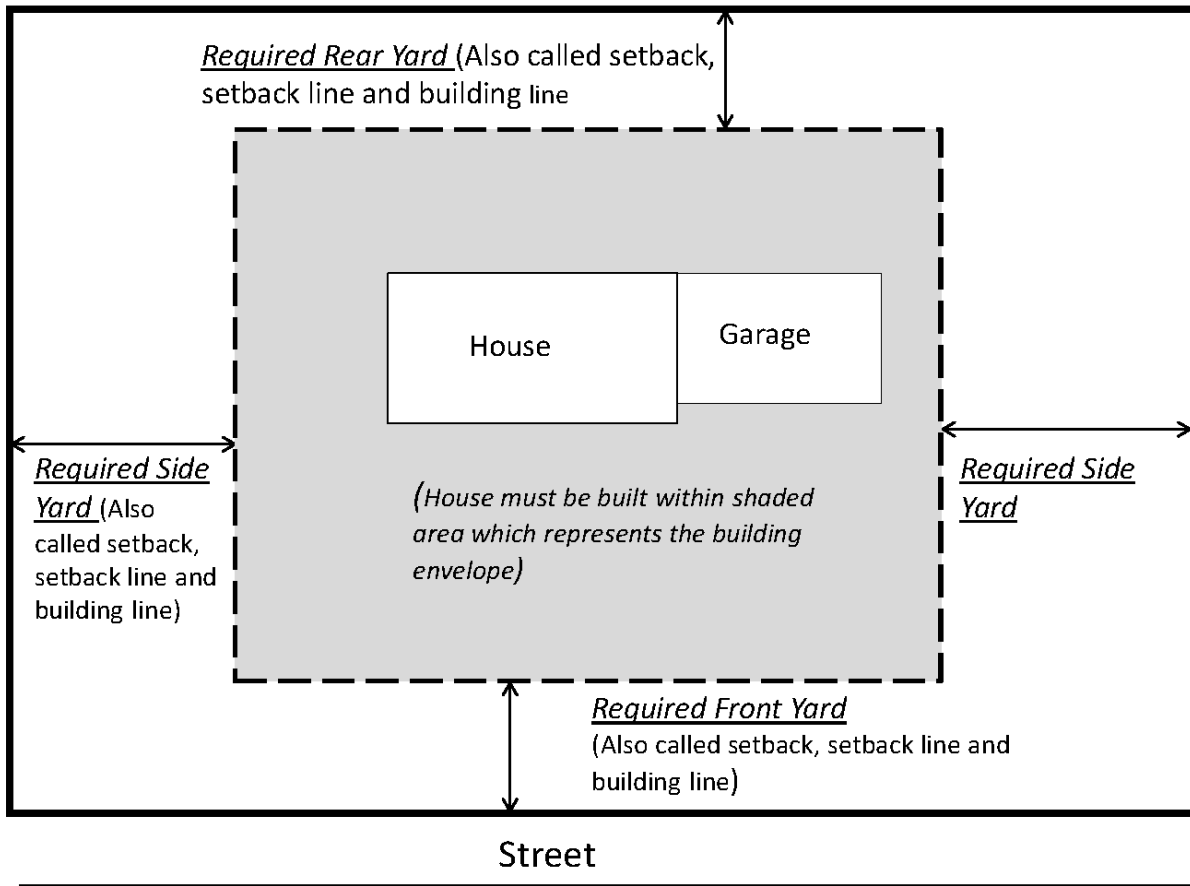


Figure 32-2

Required Yards (setback, setback line & building line)



**ARTICLE 33  
ADOPTION**

**Sec. 33.01 REPEAL OF PRIOR  
ORDINANCE**

The Charter Township of Allendale does hereby repeal the Allendale Charter Township Zoning Ordinance adopted April 28, 1975, and all amendments thereto; except that:

1. Any PUD districts established under said prior ordinance are not repealed and shall remain in full force and effect under the provisions of the present ordinance unless or until the properties within such districts are rezoned on the official zoning map.
2. Any conditions imposed upon a special land use or site plan approved under the prior ordinance shall remain in effect unless or until such conditions are amended as provided in Articles 20 and 24, herein.
3. Enforcement action may be taken against any conditions that exist in violation of the prior ordinance to the extent that such conditions are also a violation of the present ordinance.

Any illegal use that exists prior to adoption of this ordinance shall not be granted non-conforming rights to the extent that such conditions are also a violation of this ordinance.

**Sec. 33.02 ADOPTION.**

This ordinance is hereby adopted by the Allendale Charter Township Board to become effective thirty (30) days after publication of a notice of adoption in the Advance, Ottawa County Edition, a newspaper of general circulation within said Charter Township.

Adoption date: November 14, 1988  
Publication date: November 22, 1988  
Effective date: December 22, 1988