

ORDINANCE NO. 2022-04

**ZONING TEXT AMENDMENT ORDINANCE**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN BY AMENDING SECTION 4.01D – ZONING DISTRICTS; BY AMENDING THE TITLE OF ARTICLE 8 – R-2 MEDIUM DENSITY SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT; BY AMENDING SECTION 13A.05(3) – AREA REGULATIONS, SIDE YARD; BY AMENDING SECTION 13A.05(4) – AREA REGULATIONS, REAR YARD; BY AMENDING SECTION 14.05B – AREA REGULATIONS, SIDE YARD; BY AMENDING SECTION 14.05C – AREA REGULATIONS, REAR YARD; BY AMENDING SECTION 15.05B – AREA REGULATIONS, SIDE YARD; BY AMENDING SECTION 15.05C – AREA REGULATIONS, REAR YARD; BY AMENDING SECTION 16.06B – AREA REGULATIONS, SIDE YARD AND; BY AMENDING SECTION 16.06C – AREA REGULATIONS, REAR YARD, AND PROVIDING FOR REPEAL AND SEVERABILITY PROVISIONS, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Zoning Districts. Section 4.01D of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 4.01D – Zoning Districts

R-2 Medium Density One-Family Residential District Regulations.

Section 2. Article 8 [Title]. The title of Article 8 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

R-2 Medium Density One-Family Residential District

Section 3. Area Regulations, Side Yard. Section 13A.05(3) of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 13A.05(3) – Area Regulations, Side Yard

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.

Section 4. Area Regulations, Rear Yard. Section 13A.05(4) of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 13A.05(4) – Area Regulations, Rear Yard

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.

Section 5. Area Regulations, Side Yard. Section 14.05B of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 14.05B – Area Regulations, Side Yard

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.

Section 6. Area Regulations, Rear Yard. Section 14.05C of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 14.05C – Area Regulations, Rear Yard

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.

Section 7. Area Regulations, Side Yard. Section 15.05B of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 15.05B – Area Regulations, Side Yard

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.

Section 8. Area Regulations, Rear Yard. Section 15.05C of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 15.05C – Area Regulations, Rear Yard

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.

Section 9. Area Regulations, Side Yard. Section 16.06B of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 16.06B – Area Regulations, Side Yard

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.

Section 10. Area Regulations, Rear Yard. Section 16.06C of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 16.06C – Area Regulations, Rear Yard

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 in compliance with the State of Michigan building code.
2. No accessory building shall be allowed in the required rear yard area of any lot.

Section 11. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 12. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 13. Effective Date This amendment to the Allendale Charter Township Zoning Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan on February 28, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on February 14, 2022, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on March 14, 2022, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment Ordinance in the Grand Rapids Press, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.



Adam Elenbaas  
Township Supervisor



Jody Hansen  
Township Clerk

#### CERTIFICATE

I, Jody Hansen, the Clerk for the Charter Township of Allendale, Ottawa County, Michigan, certify that the foregoing Allendale Charter Township Zoning Map Amendment Ordinance was adopted at a regular meeting of the Township Board held on February 28, 2022. The following members of the Township Board were present at that meeting: Mr. Zeinstra; Ms. Kraker; Mr. Vander Wall; Ms. Hansen; Mr. Murillo; and Mr. Elenbaas. The following members of the Township Board were absent: Ms. Vander Veen. The Ordinance was adopted by the Township Board with members of the Board Mr. Zeinstra; Ms. Kraker; Mr. Vander Wall; Ms. Hansen; Mr. Murillo; and Mr. Elenbaas voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on March 6, 2022.



Jody Hansen, Clerk  
Allendale Charter Township