

ORDINANCE NO. 2020-2

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN BY ADDITION OF SECTION 23.19 – KENNELS, BY AMENDING SECTION 5.02A2 – PERMITTED USES, SECTION 5.03L – USES REQUIRING SPECIAL APPROVAL, SECTION 6.02A4 – PERMITTED USES, BY ADDITION OF SECTION 6.03N – USES REQUIRING SPECIAL APPROVAL, BY AMENDING SECTION 14.02P – PERMITTED USES, BY ADDITION OF SECTION 14.03S – USES REQUIRING SPECIAL APPROVAL, BY AMENDING THE INTRODUCTION TO SECTION 15.02 – USE REGULATIONS, BY AMENDING SECTION 15.02A – USE REGULATIONS, AND SECTION 32.12 – DEFINITIONS (K), AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Kennels. Section 23.19 of the Allendale Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

Kennels.

- 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 Nuisance, Aggressive or Dangerous Animal or barking dog, and Section 300.1.8.1 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

Section 2. Permitted Uses. Section 5.02A2 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

- A2. Commercial animal raising, including rabbit farms, fur bearing animal ranches, hog farms, dairy farms and cattle farms.

Section 3. Uses Requiring Special Approval. Section 5.03L of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

- L. Kennels.

Section 4. Permitted Uses. Section 6.02A4 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

- A4. Commercial animal raising, including rabbit farms, fur bearing animal ranches, hog farms, dairy farms, cattle farms and fish farms, excluding intensive animal raising.

Section 5. Uses Requiring Special Approval. Section 6.03N of the Allendale Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

- N. Kennels.

Section 6. Permitted Uses. Section 14.02P of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

- P. Veterinary clinics without Kennel services except for outdoor runs, which shall be used only when an employee is present with the dog or dogs.

Section 7. Uses Requiring Special Approval. Section 14.03S of the Allendale Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

- S. Veterinary clinics which provide Kennel services.

Section 8. Use Regulations. The introduction to Section 15.02 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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.

Section 9. Use Regulations. Section 15.02A of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

- A. All uses permitted in the GC district.

Section 10. Definitions (K) Section 32.12 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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.

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 March 9, 2020, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on February 24, 2020, 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 30, 2020, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the Sunday Edition of 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

Laurie Richards, Township Clerk

CERTIFICATE

I, Laurie Richards, the Clerk for the Charter Township of Allendale, Ottawa County, Michigan, certify that the foregoing Allendale Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on March 9, 2020. The following members of the Township Board were present at that meeting: Elenbaas, Kraker, Zeinstra, Hoekstra, VanderVeen (Remotely). The following members of the Township Board were absent: Vander Wall, Richards. The Ordinance was adopted by the Township Board with members of the Board Elenbaas, Kraker, Zeinstra, Hoekstra, VanderVeen (remotely) voting in favor and members of the Board _____ voting in opposition. Notice of Adoption of the Ordinance was published in the Sunday Edition of the Grand Rapids Press on March 22, 2020.

Laurie Richards, Clerk
Allendale Charter Township

AFFIDAVIT OF POSTING
(Zoning Text Amendment Ordinance)

STATE OF MICHIGAN)

)ss

COUNTY OF OTTAWA)

The undersigned, Laurie Richards, the Allendale Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Zoning Text Amendment Ordinance for Allendale Charter Township, after its first reading at a meeting of the Allendale Charter Township Board held on February 24, 2020 and its second reading at a meeting of the Allendale Charter Township Board held on March 9, 2020, in the Township Clerk's office and on the Township's website at www.allendale-twp.org on February 25, 2020.

Laurie Richards, Clerk
Allendale Charter Township

Subscribed and sworn to before this
____ day of _____, 20__.

Notary Public, Ottawa County, Michigan

Acting in Ottawa County, Michigan

My commission expires: _____