

ORDINANCE NO. 2020-4

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN BY AMENDING SECTION 3.14M – CONDOMINIUM PROJECT APPROVAL, SITE CONDOMINIUM PROJECTS; BY AMENDING SECTION 3.14O2 – CONDOMINIUM PROJECT APPROVAL, STREET AND ROADS AND SIDEWALKS; BY AMENDING SECTION 12.05C – DEVELOPMENT REQUIREMENTS FOR ALL PUD’S, UTILITIES; BY AMENDING SECTION 23.08C – REMOVAL OF TOPSOIL, SAND, GRAVEL, OR OTHER MINERALS, DEFINITIONS; BY AMENDING BY AMENDING SECTION 23.08D2 AND 3 – REMOVAL OF TOPSOIL, SAND, GRAVEL, OR OTHER MINERALS, EXEMPT ACTIVITIES; BY AMENDING SECTION 23.12A9 – PRIVATE ROADS AND STREETS, GENERAL PROVISIONS AND; BY AMENDING SECTION 29.01D – PROCEDURE FOR CHANGES, REZONING EVALUATION FACTORS, 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. Condominium Project Approval, Site Condominium Projects. Section 3.14M of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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 width requirements of the applicable zoning district. Further, all such 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.

Section 2. Condominium Project Approval, Street and Roads and Sidewalks. Section 3.14O2 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

The developer shall install sidewalks, designed to the 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 within the site condominium project. Sidewalks installed along private streets shall be maintained solely by the developer or successor Homeowners Association.

*See www.allendale-twp.org

Section 3. Development Requirements for All PUD's, Utilities. Section 12.05C of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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.

Section 4. Removal of Topsoil, Sand, Gravel, or Other Materials, Definitions. Section 23.08C of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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.

Section 5. Removal of Topsoil, Sand, Gravel, or Other Materials, Exempt activities. Section 23.08D2 and 3 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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:

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.

Section 6. Private Roads and Streets, General Provisions. Section 23.12A9 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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.

Section 7. Procedures for Changes, Rezoning Evaluation Factors. Section 29.01D of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

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.

Section 8. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 9. 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 10. 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 October 12, 2020, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on September 28, 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 October 26, 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 October 12, 2020. The following members of the Township Board were present at that meeting: Elenbaas, Richards, VanderVeen, Hoekstra, Kraker, Zeinstra. The following members of the Township Board were absent: VanderWall. The Ordinance was adopted by the Township Board with members of the Board Elenbaas, Richards, VanderVeen, Hoekstra, Kraker, Zeinstra 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 October 25, 2020.

Laurie Richards, Clerk
Allendale Charter Township