

**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

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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)

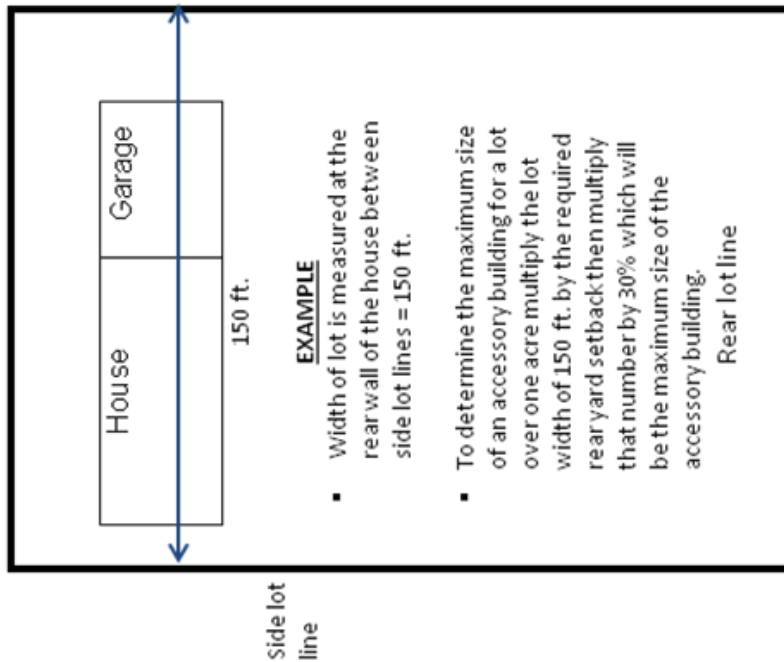
- d. Accessory buildings which are 200 square feet or more in size shall have an architectural character and design which is the same as or similar to the principal building in color, siding, roofing, roof pitch and overhead doors. Accessory buildings in the Agricultural, RE, R-1, R-2, R-3, and R-4 zones 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.

Rear lot line

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,

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- 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

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- 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

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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.).

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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

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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

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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
(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)

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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