

ORDINANCE NO. 2026-04

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN BY AMENDING SECTION 3.11.B1D – ACCESSORY USES AND BUILDINGS; AMENDING SECTION 3.11.B2 – ACCESSORY USES AND BUILDINGS; AMENDING SECTION 3.11.B3A – ACCESSORY USES AND BUILDINGS; ADDING SECTION 3.11.C1L – ACCESSORY USES AND BUILDINGS; AMENDING SECTION 12.08B2A – PROCEDURES; AMENDING SECTION 12.08B2B – PROCEDURES; ADDING SECTION 23.24 – SHORT TERM RENTALS; ADDING SECTION 23.25 – ACCESSORY DWELLING UNITS; AMENDING SECTION 32.02 – DEFINITIONS (A); AMENDING SECTION 32.20 – DEFINITIONS (S); AND PROVIDING FOR REPEAL, SEVERABILITY PROVISIONS, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Accessory Uses and Buildings. Section 3.11.B1d of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 3.11.B1d – Accessory Uses and Buildings

The detached accessory building shall meet the setback requirements for principal buildings.

Section 2. Accessory Uses and Buildings. Section 3.11.B2 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 3.11.B2 – Accessory Uses and Buildings

(Reserved for Future Use)

Section 3. Accessory Uses and Buildings. Section 3.11.B3a of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 3.11.B3a – Accessory Uses and Buildings

Ten (10) feet from the principal building;

Section 4. Accessory Uses and Buildings. Section 3.11.C1l of the Allendale Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

Section 3.11.C1l – Accessory Uses and Buildings

Accessory Dwelling Unit

Section 5. STEP 2 Submit PUD Application. Section 12.08B2a of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 12.08B2a – STEP 2 Submit PUD Application

A Preliminary PUD plan shall contain the information required by Section 12.06, Section 24.04, and shall follow Steps 3, 4, & 5.

Section 6. STEP 2 Submit PUD Application. Section 12.08B2b of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 12.08B2b – STEP 2 Submit PUD Application

A Final PUD site plan shall contain the information required by Section 12.06, Section 24.05, and shall follow Steps 4 & 5.

Section 7. Short Term Rentals. Section 23.24 of the Allendale Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

Section 23.24 – Short Term Rentals

A. Permitted Districts. Short Term Rentals (STR) shall be a permitted use only in the Agricultural and Residential Zoning Districts, subject to issuance of a STR permit and compliance with all requirements of this Section.

B. Definitions. For the purposes of this Section only, the following terms shall be defined as follows:

1. “Occupant” means an individual living in, sleeping in, or otherwise having possession of a STR, and includes the guests and invitees of such individuals.
2. “Owner” means the legal title holder(s) of a dwelling or the premises within which the STR is situated. In those cases in which the Owner is not a natural person, the Owner shall be the president of a corporate entity, member of an LLC, or other chief executive officer of the organization. All natural persons or entities with an interest in the STR shall be considered Owners.
3. “Responsible Local Agent” means a person having a place of residence within 35 miles of the geographical limits of the Township and designated

by the Owner as legally responsible for operating STR(s) in compliance with this ordinance. The Responsible Local Agent may be the Owner or an individual having an ownership interest in an ownership group. The Responsible Local Agent shall be responsible for providing access to the dwelling for any and all inspections necessary to ensure compliance with the ordinances adopted by the Township. All official notices of the Township may be served on the Responsible Local Agent and any notice so served shall be deemed to have been served upon the Owner.

C. STR Applications.

1. Applications for a STR permit shall be submitted to the Zoning Administrator, or his or her designee, for review and approval, and shall contain all necessary information, as determined by the Zoning Administrator, or his or her designee, to show compliance with the requirements of this Section, including, but not limited to, the name, address, telephone number, and e-mail of the Local Responsible Agent. An application for a STR permit shall include a floor plan for every floor of the dwelling and a site plan pursuant to Section 24.05 of this Ordinance.
2. Fees for application of a STR permit shall be established by resolution of the Township Board and shall be paid at the time of application for the permit. Any State and local taxes levied against the premises of the proposed STR that are due and payable at the time of application shall also be paid at or before the time of application.

D. Regulations.

1. The total number of permits issued for Short Term Rentals in Allendale Charter Township shall be limited to fifty (50). No permit shall be issued to a property that will not be made available for rent. A permit shall be revoked by the Township Supervisor, or his or her designee, if the Supervisor determines that the permit was not obtained in good faith and the dwelling was not made available for rent.
2. A STR permit is required. No Owner shall lease or rent a dwelling to be occupied as a STR unless a STR permit has been approved for the dwelling. The operation of a dwelling as a STR without a permit is prohibited, and shall constitute a violation of the Zoning Ordinance.
3. An Applicant seeking original permit approval for a STR shall include written evidence that the use of the dwelling as a STR has been approved by the Ottawa County Health Department Environmental Health Division, and that the Township Fire Chief or the Fire Chief's designee has inspected and approved the use of the dwelling as a STR.

4. A person holding a STR permit who seeks renewal of the STR permit shall include written evidence, with each annual renewal application, that the Township Fire Chief or the Fire Chief's designee has reinspected and approved the use of the dwelling as a STR for the renewal year. The reinspection must have occurred within 30 days of the date of submitting the renewal application.

E. Conditions of STR Approval and Performance Standards.

1. Every STR shall provide enough on-site parking spaces to accommodate a minimum of two vehicles, plus one additional parking space for each two additional rental occupants above the first two occupants. Vehicles may not be parked in the yard of the dwelling or on-street. Shared parking areas or shared easements cannot be used to satisfy the minimum parking space requirements, unless the Applicant submits the signed consent of each party sharing the use of the parking or easement area.
2. Only the principal dwelling on a lot may be permitted and used as a STR. The maximum occupancy shall not exceed the limit established by the Township Fire Chief, or the Fire Chief's designee, for the dwelling. In no case shall the maximum number of Occupants in a STR exceed ten (10) persons and no more than two (2) persons per bedroom. No Occupants may sleep in tents, in accessory buildings, in recreational vehicles, or in trailers on the real property hosting the STR.
3. Every STR shall have adequate trash receptacles and a contract in effect with a waste hauler licensed to operate in the Township, with trash pick-up to occur not less than once weekly. Trash collection areas shall be kept in a sanitary, neat and orderly fashion at all times, with no trash spilling onto the ground.
4. Any campfires on the real property hosting the STR shall be maintained in designated fire pits and shall comply with the applicable fire code and all applicable Township Ordinances. The designated fire pit shall be inspected and approved by the Township Fire Chief.
5. The STR shall comply with the noise limitation provision of Chapter 178 of the Code of Ordinances adopted by the Township.
6. No person shall lease or rent a STR until all conditions have been met for a STR permit. The Owner shall post in a conspicuous place within the dwelling and at the driveway apron within one (1) foot of the public or private right-of-way the name, address, and telephone number of the Responsible Local Agent.
7. The appearance of a dwelling used as a STR shall not conflict with the residential character of the neighborhood. The dwelling shall be properly maintained as required by applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.

8. Occupants of a STR shall not encroach or trespass on neighboring properties.
 9. Occupants of a STR shall not create a nuisance. For purposes of this subsection, a nuisance includes, but is not limited to, any of the following: (1) any activity that violates Chapter 178 of the Code of Ordinances adopted by the Township; and, (2) any activity that violates state or Township firework regulations.
 10. Any dwelling occupied as a STR shall have public water service and public sanitary sewer service, or if it does not have either or both, any water well or septic system serving the dwelling must be inspected by and approved by the Ottawa County Department of Public Health for use as or with a STR.
 11. Separate cooking facilities in a STR are prohibited.
- F. Nontransferable. A STR permit is not transferable. Upon sale of a property, the new owner must apply for a new STR permit.
- G. Expiration and Reapplication.
1. A STR permit shall expire annually, commencing one year after the date of original permit approval. A person holding a STR permit shall submit an application for renewal at least 30 days prior to each annual expiration date. The permit may be renewed if:
 - i. No complaints have been received by the Township during the preceding one-year term of the STR permit, relating to the use or operation of the STR.
 - ii. No letters of violation were issued to the Owner of the STR during the preceding one-year term of the STR permit, relating to the use or operation of the STR.
 - iii. No municipal civil infraction citations were issued to the Owner of the STR, during the preceding one-year term of the STR permit, relating to the use or operation of the STR.
 - iv. The STR permit holder has submitted written evidence that the Township Fire Chief, or the Fire Chief's designee, has reinspected the STR dwelling within 30 days of the submission of the application for renewal and has approved the dwelling for continued use as a STR.
 2. If item iv, immediately above, is not satisfied, the Zoning Administrator shall deny the application for renewal of the STR permit.
 3. If any of items i, ii or iii, immediately above, are not satisfied, the Zoning Administrator shall refer the renewal application to the Township Board to determine whether the requested permit renewal shall be approved or denied, and if approved, whether any special conditions should be imposed

on the renewed permit to prevent recurrence of similar complaints and/or violations.

4. No rentals of a STR are permitted upon the expiration of a permit for a STR, until such time as it has been renewed by the Zoning Administrator or Township Board, as applicable.
- H. Violations; Suspension; Revocation; Appeals. In addition to any other penalty authorized by law, a STR permit may be suspended or revoked if the Township Board finds by competent, material, and substantial evidence, and after written notice of the charges to the Owner and an opportunity for the Owner to be heard, that the Owner has violated or failed to fulfill the requirements of this Ordinance. Written notice of the charges and notice of hearing before the Board shall be personally served on the Owner or served on the Owner by certified mail, no less than 21 days before the hearing. A person aggrieved by an alleged violation of this Ordinance by an Owner or Occupant of a STR may petition the Zoning Administrator, in writing, to commence a Township Board hearing under this paragraph for the suspension or revocation of the permit for a STR. The Zoning Administrator shall have the sole discretion to decide whether to commence a hearing on the petition of an aggrieved person. If the petition of an aggrieved person is granted, the aggrieved person shall be entitled to notice and to participate in the hearing, to the same extent as the Owner of the STR, including by offering testimony and documentary evidence in support of an alleged violation.
1. Upon a finding by the Township Board of a first violation within any 12 month period, the permit may be suspended for up to 60 days, during which time the STR shall not be rented. In deciding whether or not to suspend a permit, and for what duration, the Township Board will consider the severity of any violation, the rental history of the Owner, and any other factors deemed relevant.
 2. Upon a finding by the Township Board of a second violation within any 12 month period, the permit may be suspended for 120 days, during which time the STR shall not be rented. In deciding whether or not to suspend a permit, and for what duration, the Township Board will consider the severity of any violation, the rental history of the Owner, and any other factors deemed relevant.
 3. Upon a finding by the Township Board of a third violation within any 12 month period, the permit shall be revoked and the Owner shall not again be issued a STR permit for a minimum period of 12 months, during which time the former STR dwelling shall not be rented. In deciding the duration of the revocation, the Township Board will consider the severity of any violation, the rental history of the Owner, and any other factors deemed relevant. After a permit for a STR has been revoked, a new permit shall not

be granted until a new STR application has been submitted and approved under this Section.

Section 8. Accessory Dwelling Units. Section 23.25 of the Allendale Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

Section 23.25 – Accessory Dwelling Units

Accessory Dwelling Units are intended to provide flexible living quarters for immediate or extended family members only. ADUs are subject to the following regulations.

- A. An ADU may be attached to the principal dwelling through only a breezeway. Otherwise, an ADU shall be detached from the principal dwelling.
- B. ADUs shall only be permitted as an accessory use to a single-family dwelling.
- C. ADUs shall be permitted in all districts where single-family dwellings are permitted and only one (1) ADU may be located on a lot.
- D. The property owner shall maintain residence on the property, either within the principal dwelling or the ADU.
- E. ADUs shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.
- F. ADUs shall meet all setback requirements applicable to the principal dwelling and shall be located in the side yard or rear yard of the principal dwelling.
- G. ADUs shall meet all applicable building, safety, and fire codes.
- H. ADUs shall be connected to a sewage disposal system and water supply system approved by the County Health Department. Proof of Health Department approval must be provided prior to the issuance of a building permit.
- I. Exterior building materials and designs shall be of similar style and character as that of the principal dwelling.
- J. ADUs shall not exceed six hundred (600) square feet in area. A single stall garage may be attached to the ADU and shall not count toward the maximum area herein.
- K. Mobile Homes, recreational vehicles, and temporary structures shall not be used as an ADU.
- L. An ADU shall not be utilized as a Motel, Hotel, Motor Hotel, Boarding House, Lodging House, Rooming House, Bed and Breakfast, or for rent in any way.

Section 9. Definitions (A). Section 32.02 of the Allendale Charter Township Zoning Ordinance shall be amended to add the following definition in alphabetical order within the section.

Definitions (A)

Accessory Dwelling Unit (ADU). A detached residential living unit on the same parcel on which a single-family dwelling is located that provides independent living facilities, including basic requirements for living, sleeping, eating, cooking, and sanitation, for one (1) or more person or persons.

Section 10. Definitions (S). Section 32.20 of the Allendale Charter Township Zoning Ordinance shall be amended to add the following definition in alphabetical order within the section.

Definitions (S)

SHORT TERM RENTAL. The rental or subletting of a single-family dwelling for compensation for a term of not more than 27 consecutive nights. The rental of the following shall not be considered short-term rentals: Bed and breakfast establishments, motels, resorts, campgrounds, transitional houses operated by a charitable organization, group homes such as nursing homes and adult foster care homes, substance abuse rehabilitation clinics, mental health facilities, and other similar healthcare related facilities.

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 _____, 20____, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on _____, 20____, 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 _____, 20____, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the _____ 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