

NOTICE OF ADOPTION OF A PROPOSED ZONING TEXT AMENDMENT ORDINANCE

PLEASE TAKE NOTICE that a Tallmadge Charter Township Text Amendment Ordinance was adopted at a meeting of the Tallmadge Charter Township Board on November 15, 2022 after its first reading at a meeting of the Tallmadge Charter Township Board held on October 11, 2022.

The Zoning Text Amendment Ordinance will revise Section 2.03 – Definitions, Lot to include land that is part of a condominium site to be treated as a parcel of land for the purposes of lot area, lot lines, lot width, setbacks, and other related matters according to the Ordinance; will revise Section 3.02(f)3 – Accessory Uses and Buildings, Minimum Setbacks to allow for an accessory building in the front yard of a waterfront lot; will revise Section 3.15(a)13 – Home Occupations by deleting the subsection; will revise Section 3.25 – Principal Building on a Lot or Parcel of Land to allow more than one principal building on a commercial or industrial lot; will revise Section 18.08 – Amendment of Approved Site Plan by allowing the Zoning Administrator to approve minor amendments to a site plan, provide for the option to defer to the Planning Commission, and to provide for specific changes that are minor of the Tallmadge Charter Township Zoning Ordinance, to provide for severability, to provide for repeal, and to provide for an effective date.

PLEASE TAKE FURTHER NOTICE that the Ordinance has been posted in the office of the Tallmadge Charter Township Clerk, Tallmadge Charter Township, 0-1451 Leonard Road, N.W., Grand Rapids, Michigan (telephone: 616-677-1248), and on the Township website at www.tallmadge.com.

Dated: November 27, 2022

Lenore Cook, Clerk
Tallmadge Charter Township

The following Zoning Text Amendment Ordinance was adopted at the Tallmadge Charter Township Board meeting on November 15, 2022.

ORDINANCE NO. 100922-2

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE TALLMADGE CHARTER TOWNSHIP ZONING ORDINANCE BY REVISING SECTION 2.03 – DEFINITIONS, LOT; BY REVISING SECTION 3.02(F)3 – ACCESSORY USES AND BUILDINGS, MINIMUM SETBACKS; BY REVISING SECTION 3.15(A)13 – HOME OCCUPATIONS; BY REVISING SECTION 3.25 – PRINCIPAL BUILDING ON A LOT OR PARCEL OF LAND; BY REVISING SECTION 18.08 – AMENDMENT OF APPROVED SITE PLAN, TO PROVIDE FOR SEVERABILITY, TO PROVIDE FOR REPEAL, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Definitions, Lot. Section 2.03 of the Tallmadge Charter Township Zoning Ordinance shall be amended to state as follows for the definition of a Lot.

Section 2.03 – Definitions, Lot

LOT: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A condominium site which is part of a condominium project regulated by the Condominium Act, Act 59 of the Michigan Public Acts of 1978, as amended, shall be considered to be a lot for purposes of lot area, lot lines, lot width, setbacks, and related matters according to this Ordinance.

Section 2. Accessory Uses and Buildings, Minimum Setbacks. Section 3.02(f)3 of the Tallmadge Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 3.02(f)3 – Accessory Uses and Buildings, Minimum Setbacks

A detached accessory building may be constructed, erected, or placed in the front yard of any waterfront lot if it is located not less than the required front yard setback for a principal building in the zoning district within which the property is

located. No more than twenty percent (20%) of the portion of the detached accessory building facing the street, measured drip line to drip line, may be located in the area between the principal building and the street, where the area is formed by lines drawn from the opposite ends of the principal building facing the street, when the lines form right angles with the front lot line adjacent to the street right-of-way; further, the detached accessory building shall be set back from the side lot line at least five (5) feet, measured from the drip line.

Section 3. Home Occupations. Section 3.15(a)13 of the Tallmadge Charter Township Zoning Ordinance shall be deleted in its entirety as follows.

Section 3.15(a)13 – Home Occupations

[Deleted]

Section 4. Principal Building on a Lot or Parcel of Land. Section 3.25 of the Tallmadge Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 3.25 – Principal Building on a Lot or Parcel of Land

No more than one (1) principal building shall be placed on a lot or parcel of land in any RP, R-1, R-2, R-3, R-4, or L Zoning District.

Section 5. Amendment of Approved Site Plan. Section 18.08 of the Tallmadge Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 18.08 – Amendment of Approved Site Plan

A site plan may be amended upon application and in accordance with the procedures and requirements provided in Section 18.05 herein. Minor changes to a site plan may be made without following the procedures of Section 18.05 at the discretion of the Zoning Administrator. The Zoning Administrator may require, in case of minor changes to an approved site plan, that a revised site plan drawing(s) be submitted showing such minor changes for purposes of record. The Zoning Administrator shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Zoning Administrator may refer any decision regarding any proposed change to a site plan to the Planning Commission for review and approval. Minor changes shall include the following:

1. Reduction of the size and/or height of any building and/or sign.

2. An increase in the size of the building that does not exceed 5,000 square feet or five (5) percent of the gross floor area, whichever is smaller.
3. Relocation of buildings by no more than 20 feet.
4. Internal rearrangement of a parking lot and/or drives which does not affect the number of parking spaces or significantly alter access locations or design.
5. Rearrangement of landscape plantings.
6. Changes in exterior lighting

Section 6. 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 7. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 8. Effective Date. This amendment to the Tallmadge Charter Township Zoning Ordinance was approved and adopted by the Township Board of Tallmadge Charter Township, Ottawa County, Michigan on November 15, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on October 11, 2022 and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on December 5, 2022, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Amendment Ordinance in the *Grand Rapids Press*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Mark Bennett
Township Supervisor

Lenore Cook
Township Clerk

CERTIFICATE

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on November 15, 2022. The following members of the Township Board were present at that meeting: Datema, Cook, Schwallier, Eppink, Terpstra, and Bennett. The following members of the Township Board were absent: Bronkema. The Ordinance was adopted by the Township Board with members of the Board Terpstra, Datema, Cook, Schwallier, Eppink, and Bennett voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapid Press* on November 27, 2022.

Lenore Cook, Clerk
Tallmadge Charter Township

AFFIDAVIT OF POSTING
(Zoning Text Amendment Ordinance)

STATE OF MICHIGAN)

)ss

COUNTY OF OTTAWA)

The undersigned, Lenore Cook, the Tallmadge Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Zoning Text Amendment Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on October 11, 2022 and its second reading on November 15, 2022 in the Township Clerk's office and on the Township's website at www.tallmadge.com on November 27, 2022.

Lenore Cook, Clerk
Tallmadge Charter Township

Subscribed and sworn to before this
_____ day of _____, 2022

Notary Public, Ottawa County, Michigan
Acting in Ottawa County, Michigan
My commission expires: _____