

ORDINANCE NO. ~

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE to amend certain portions of the Zoning Ordinance of Zeeland Charter Township, Ottawa County, Michigan, for the purpose of revising the accessory building provisions of Section 4.20.

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

Section 1. Yards. That Section 3.72 of the Zoning Ordinance be revised to state in its entirety as follows:

Section 3.72 YARD. A required open space other than a court unoccupied and unobstructed by any building or structure, including without limitation any roof overhang, deck, cement slab, porch, etc. No building or structure may cause rain water to drip directly on an adjoining lot. However, fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Section 2. Accessory Buildings. That Section 4.20 of the Zoning Ordinance be revised to state in its entirety as follows:

Section 4.20 ACCESSORY BUILDINGS.

A. In any zoning district, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character and design and the construction materials of all accessory buildings shall be compatible with and similar to the principal building. Unless specifically stated to the contrary, all of the restrictions and requirements pertaining to accessory buildings included in this Section shall apply in all zoning districts. No accessory building shall be permitted unless the principal building has previously been erected or is being erected simultaneously.

B. The distance between a detached accessory building and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered as attached to a principal building when the distance between two (2) buildings is covered by a breezeway, portico, covered colonnade or similar architectural device.

C. On anyone (1) lot, not more than one (1) accessory building used as a garage is permitted. In addition, not more than one (1) accessory building not used as a garage is permitted. However, if the principal building on a lot includes an attached

garage, only one accessory building is permitted, whether or not used as a garage. If a lot has both an accessory building used as a garage and an accessory building not used as a garage, the square feet limitations listed below shall be increased by seven hundred (700) square feet and then applied to the sum of the area of the accessory building used as a garage and the area of the accessory building not used as a garage.

D. Unless otherwise authorized by the Board of Appeals, accessory buildings shall not exceed the following area and height limitations, nor shall the length of accessory buildings exceed three (3) times their width.

- (1) On lots of less than fifteen thousand (15,000) square feet in area, accessory buildings shall not exceed three hundred twenty four (324) square feet in area or twelve (12) feet in height.
- (2) On lots equal to or greater than fifteen thousand (15,000) square feet but less than thirty thousand (30,000) square feet in area, accessory buildings shall not exceed four hundred forty five (445) square feet in area or fourteen (14) feet in height.
- (3) On lots equal to or greater than thirty thousand (30,000) square feet but less than forty five thousand (45,000) square feet in area, accessory buildings shall not exceed five hundred seventy six (576) square feet in area or sixteen (16) feet in height.
- (4) On lots equal to or greater than forty five thousand (45,000) square feet but less than sixty thousand (60,000) square feet in area, accessory buildings shall not exceed seven hundred twenty (720) square feet in area or eighteen (18) feet in height.
- (5) On lots equal to or greater than sixty thousand (60,000) square feet but less than eighty thousand (80,000) square feet in area, accessory buildings shall not exceed one thousand (1,000) square feet in area or twenty (20) feet in height.
- (6) On lots equal to or greater than eighty thousand (80,000) square feet but less than one hundred fifty thousand (150,000) square feet in area, accessory buildings shall not exceed one thousand five hundred fifty (1,550) square feet in area or twenty two (22) feet in height.
- (7) On lots equal to or greater than one hundred fifty thousand (150,000) square feet but less than five (5) acres in area, accessory buildings shall not exceed eighteen hundred (1,800) square feet in area or twenty four (24) feet in height.

- (8) On lots equal to or greater than five (5) acres in area, accessory buildings shall not exceed four hundred fifty (450) square feet in area per acre, but not more than a total of six thousand (6,000) square feet in area. The height of such accessory buildings shall not exceed twenty-four (24) feet.

E. Accessory buildings of a greater area or height than allowed by Section 4.20.D may be authorized by the Board of Appeals as a matter for Board of Appeals decision pursuant to Section 20 of the Zoning Act. In deciding whether or not to grant the authorization, the Board of Appeals shall consider the following standards:

- (1) The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;
- (2) The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;
- (3) The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot on which the accessory building is to be placed;
- (4) Whether or not the accessory building will affect light and air circulation of any adjoining property;
- (5) Whether the accessory building will adversely affect the view of any adjoining property; and
- (6) Any other applicable and relevant standards set forth in this Ordinance relative to such decisions.

F. The location of accessory buildings-shall be as follows.

- (1) Accessory buildings located on lots thirty five thousand (35,000) square feet or less in area shall maintain front yards of not less than seventy five (75) feet and rear yards of not less than five (5) feet each.
- (2) Accessory buildings located on lots exceeding thirty five thousand (35,000) square feet in area shall maintain front yards of not less than one hundred fifty (150) feet and rear yards of not less than five (5) feet.
- (3) The minimum side yards maintained for accessory buildings shall be as follows:
  - (a) On lots of less than fifteen thousand (15,000) square feet in area, ten (10) feet;

- (b) On lots equal to or greater than fifteen thousand (15,000) square feet but less than thirty thousand (30,000) square feet in area, fifteen (15) feet;
  - (c) On lots equal to or greater than thirty (30,000) square feet but less than forty five thousand (45,000) square feet in area, twenty (20) feet; and
  - (d) On lots equal to or greater then forty five thousand (45,000) square feet in area, twenty five (25) feet.
- (4) Notwithstanding the foregoing, if the front or side yard requirements specified elsewhere in this Ordinance for the principal building exceed any of the requirements specified in (1) or (2) or (3) immediately above, then the stricter requirements for the principal building shall control.
- (5) In addition to the foregoing, an accessory building must also be placed behind the front line of the principal building on the lot unless the accessory building is located more than four hundred (400) feet from the street or easement right-of-way.

G. Before a permit is issued for the construction of one (1) or more accessory buildings upon a lot, the owner(s) of the lot shall be required to file with the Ottawa County Register of Deeds a statement which provides that no subsequent division of that lot shall be permitted if any accessory building would then be located upon a lot smaller than what this Ordinance would require if the accessory building was constructed after the lot split. The statement so filed with the Ottawa County Register of Deeds shall further state that such a lot division may be authorized by the Board of Appeals as a matter for Board of Appeals decision pursuant to Section 20 of the Zoning Act. In deciding whether or not to grant the authorization, the Board of Appeals shall consider the standards in Section 4.20.E above for accessory buildings of a greater area or height.

H. Except as provided in Section 4.20.I, no accessory building or structure shall include residential or living quarters for human beings.

I. Residential accessory buildings may be erected and used if authorized by the Board of Appeals as a matter for Board of Appeals decision pursuant to Section 20 of the Zoning Act. The Board of Appeals may grant such authorization subject to the following conditions.

- (1) The lot in question must already contain a single-family dwelling.

- (2) The residential accessory building must be primarily used as the residence for the parent(s) or parent(s)-in-law of an occupant of the single-family dwelling on such lot.
- (3) The occupant of the single-family dwelling on such lot, which occupant is given the authorization by the Board of Appeals, must pay an annual fee of \$24.00 on the first business day of each calendar year, in addition to a pro-rated fee for the balance of the calendar year at the initial issuance of an authorization from the Board of Appeals.
- (4) In the event that the residential accessory building is no longer primarily used as the residence for the parent(s) or parent(s)-in-law of an occupant of the single-family dwelling on such lot. the residential accessory building shall thereafter be totally and completely removed from the lot in question within six (6) months (if such removal is not so accomplished in a timely manner, the Township reserves the right to take such action, or have such action taken on its behalf, and to thereafter charge the cost of such action to the individual given the authorization by the Board of Appeals) .
- (5) The Board of Appeals may require a performance bond or a security deposit pursuant to the provisions in Section 4.5 concerning temporary dwellings.

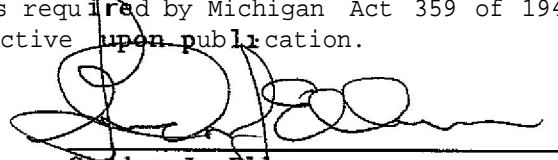
J. In considering authorization for a residential accessory building under Section 4.20.1, the Board of Appeals shall consider the following standards;

- (1) Whether the water supply and sanitary facilities for the proposed residential accessory building will conform to all applicable requirements. LnctudLng those of the Michigan Department of Public Health, the Ottawa County Health Department, and the Township;
- (2) The reason(s) for the proposed residential accessory building, and the potential duration thereof;
- (3) The effect of the proposed residential accessory building on other properties in the surrounding neighborhood; and
- (4) Any other applicable and relevant standards set forth in this Ordinance relative to such decisions.

Section 3. Repeal. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. That the foregoing amendment to the Zeeland Charter Township Zoning Ordinance was approved and adopted by the Township Board

of Zeeland Charter Township, Ottawa County, Michigan, on June 20 • 1994, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended, and after introduction and first reading on May 16, 1994, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective ~~upon publication~~.


  
Gordon J. Ellens

Township Supervisor - -

~Marilyn E. Enk ~  
Township Clerk /

CERTIFICATE

I, MARILYN EVINK, the Clerk for the Charter Township of Zeeland, Ottawa County, Michigan, do hereby certify that the foregoing Zeeland Charter Township Zoning Text Amendment Ordinance was adopted at a Regular meeting of the Township Board held on June 20, 1994. The following members of the Township Board were present at that meeting: Evink, Berghorst, De Kleine, Timmer, Nykamp, Oppenhuizen. The following members of the Township Board were absent: ~E==l~l~e~n~s~. The Ordinance was adopted by the Township Board with members of the Board Evink, Berghorst, Nykamp, De Kleine, Timmer, Oppenhuizen voting in favor and members of the Board none Ellens: Absent voting in opposition. Notice of Adoption and Posting of the Ordinance was published in the Grand Rapids Press~Lakeshore Edition on June 30 • 1994. An attested copy of the Ordinance was sent to the Ottawa County Clerk by first class mail. postage prepaid, on ~.I~luJn~e~~3~Q19~.

  
Marilyn Evink, Clerk  
Zeeland Charter Township