

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 use provisions of Section 4.19 and the accessory building provisions of Section 4.20.

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

Section 1: Accessory Uses. That Section 4.19 of the Zoning Ordinance be revised to state in its entirety as follows:

Section 4.19 ACCESSORY USES.

A. In any zoning district, accessory uses are permitted when located on the same lot; provided, however, that in a residential zoning district such accessory uses shall not involve the conduct of any business, trade or industry unless expressly authorized by this Ordinance.

B. The keeping of household pets, including cats, dogs, household fish and household birds, is expressly permitted as an accessory use in any zoning district; provided, however, that no more than two (2) dogs and two (2) cats over three (3) months of age shall be kept or housed in or at one (1) dwelling unit. The keeping of any other animals or poultry in any zoning district, except the Agricultural District, is prohibited except when authorized by the Board of Appeals as a matter for Board of Appeals decision pursuant to Section 20 of the Zoning Act. In considering such authorization, the following standards shall be considered:

- (1) The land area where such animals are to be housed;
- (2) The location of adjacent property;
- (3) Whether or not noise or odors are likely to adversely affect the use of adjoining properties or the surrounding neighborhood; and
- (4) Any other applicable and relevant standards set forth in this Ordinance relative to such decisions.

The keeping of any animal or poultry shall not be authorized unless it is for recreational purposes only.

The keeping of horses or cows shall not be authorized unless:

- (1) The number of horses (including foals) and cows (including calves) is limited to one (1) horse or cow per three (3) acres of land;
- (2) The number of horses (including foals) and cows (including calves) is limited to three (3) per family; and
- (3) The building to house the horses and cows shall be at least one hundred (100) feet from any adjoining property or street line; the fence to restrain the horses and cows shall be at least twenty (20) feet from any adjoining property line if the adjoining property is part of any Residential District.

In addition to initial authorization by the Board of Appeals, the housing of nonhousehold pets, animals, fish or birds in any zoning district, except the Agricultural District, shall require a non-transferable permit to be issued by the Zoning Administrator for one (1) year when authorization is first granted with renewal annually thereafter. In renewing such permit, the Zoning Administrator shall determine whether or not the permit holder is in compliance with the requirements of this Ordinance and any requirements, conditions, or restrictions established when authorization was granted.

Section 2. Accessory Building§. 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. Detached accessory buildings used as garages shall not be located closer than five (5) feet to the rear lot. Garages shall not be closer to any front lot line than the principal building is permitted.

C. 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.

D. Not more than one (1) accessory building which is not used as a garage may be permitted on anyone (1) lot. Accessory buildings not used as garages shall not exceed the following area and height limitations:

- (1) On lots of less than twenty thousand (20,000) square feet in area, accessory buildings shall not exceed one hundred twenty (120) square feet in area or twelve (12) feet in height, nor shall such accessory buildings have any side walls which exceed eight (8) feet in height.
- (2) On lots equal to or greater than twenty thousand (20,000) square feet in area but less than thirty thousand (30,000) square feet in area, accessory buildings shall not exceed one hundred eighty (180) square feet in area or fourteen (14) feet in height, nor shall such accessory buildings have any side walls which exceed nine (9) feet in height.
- (3) On lots equal to or greater than thirty thousand (30,000) square feet in area but less than one (1) acre in area, accessory buildings shall not exceed two hundred forty (240) square feet in area or sixteen (16) feet in height, nor shall such accessory buildings have any side walls which exceed ten (10) feet in height.
- (4) On lots equal to or greater than one (1) acre in area but less than two (2) acres in area, accessory buildings shall not exceed four hundred eighty (480) square feet in area or sixteen (16) feet in height, nor shall such accessory buildings have any side walls which exceed ten (10) feet in height.
- (5) On lots equal to or greater than two (2) acres in area, accessory buildings shall not exceed five hundred forty (540) square feet in area or sixteen (16) feet in height, nor shall such accessory buildings have any side walls which exceed ten (10) feet in height.

Accessory buildings of a greater area or height (including higher side walls) 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 granting such authorization, the following standards shall be considered:

- (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 it 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;
- (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.

The location of accessory buildings not used as garages shall be as follows:

- (1) Accessory buildings not used as garages located on lots thirty thousand (30,000) square feet or less in area shall maintain a front yard of not less than seventy-five (75) feet and side and rear yards of not less than five (5) feet each.
- (2) Accessory buildings not used as garages located on lots exceeding thirty thousand (30,000) square feet in area shall maintain a front yard of not less than one hundred fifty (150) feet, side yards of not less than twenty-five (25) feet each, and a rear yard of not less than five (5) feet.
- (3) Notwithstanding the foregoing, if the front, side or rear yard requirements specified elsewhere in this Ordinance for the principal building exceed any of the requirements specified in (1) or (2) immediately above, then the stricter requirements for the principal building shall control.
- (4) Notwithstanding the foregoing, accessory buildings not used as garages may not be located in the front yard of any lot.

E. Accessory buildings used as garages in residential zoning districts for the storage of vehicles shall not exceed one (1) story in height or eighteen (18) feet, whichever is lesser, or seven hundred fifty (750) square feet in area. However, a garage

with an area greater than seven hundred fifty (750) square feet 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 granting such authorization, the following standards shall be considered:

- (1) The size of the garage in relation to the size of the lot on which it is to be placed;
- (2) The size of the garage in relation to the principal building on the lot on which it is to be placed;
- (3) The location of the garage in relation to other buildings on adjoining lots and in relation to the principal building;
- (4) Whether or not the garage will affect the light and air circulation of any adjoining property;
- (5) Whether the garage 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.

No more than one (1) garage shall be located on any lot.

F. Accessory buildings which are not to be used as garages or storage buildings shall not be erected or used without first being authorized by the Board of Appeals as a matter for Board of Appeals decision pursuant to Section 20 of the Zoning Act. In considering such authorization, the Board of Appeals shall consider the following standards:

- (1) The intended use for the building;
- (2) The size, proposed location, type and kind of construction and general architectural character of the building;
- (3) The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the same neighborhood;
- (4) Whether the building will affect the light and air circulation of any adjoining properties;
- (5) Whether the building will adversely affect the view of any adjoining property;
- (6) The extent the building absorbs required yards and other open spaces; and

- (7) Any other applicable and relevant standards set forth in this Ordinance relative to such decisions.

G. No accessory building or structure shall include residential or living quarters for human beings.

H. Guest houses are prohibited in all zoning districts.

I. Notwithstanding any provision in this Ordinance to the contrary, but in accordance with all non-contrary provisions herein, 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:

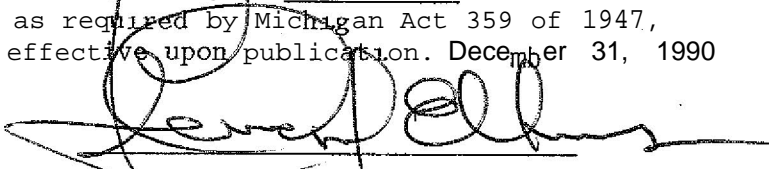
- (1) The lot in question must already contain a single-family dwelling;
- (2) The residential accessory building must be primarily used as the residence for the parent (s) or parent(s)-in-law of an occupant of the single-family dwelling on such lot;
- (3) The occupant of the single-family dwelling on 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; and
- (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).

In considering authorization for a residential accessory building under this Section, the Board of Appeals shall consider the following standards:

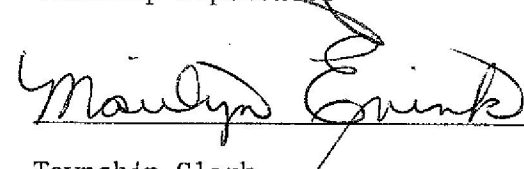
- (1) Whether the water supply and sanitary facilities for the proposed residential accessory building will conform to all applicable requirements; including those of the Michigan Department of Public Health, the Ottawa County Health Department, and the Township;
- (2) The reason(s) for the proposed 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 December 17, 1990, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended, and after introduction and first reading on November 1, 1990, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective upon publication. December 31, 1990



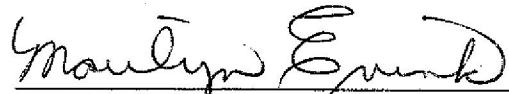
Township Supervisor



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 Regul&r meeting of the Township Board held on December 17,, 19L. The following members of the Township Board were present at that meeting: Ellens, Evink, Berghorst, De Kleine, Norman, Nykamp, Schreur. The following members of the Township Board were absent: n~o~n_e. The Ordinance was adopted by the Township Board with members of the Board Ellens, Evink, De Kleine, Berghorst, Norman, Nykamp, Schreur voting in favor and members of the Board ~n~o~n~e~ voting in opposition. Notice of Adoption and Posting of the Ordinance was published in the Grand Rapids Press-Lakeshore Edition on December 31, 19~.



Marilyn Evink, Clerk
Zeeland Charter Township

*Copy mailed to the Ottawa County Clerk January 20, 1991.