

GRAND HAVEN CHARTER TOWNSHIP
NOTICE OF ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN that Ordinance Number 569 has been adopted by the Charter Township of Grand Haven, Ottawa County, Michigan:

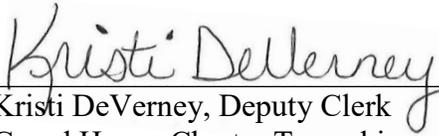
ORDINANCE NO. 569

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF GRAND HAVEN CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN, CONCERNING ACCESSORY BUILDINGS AND STRUCTURES STANDARDS IN THE GENERAL PROVISIONS CHAPTER; AMENDING THE ENLARGEMENT OR INCREASE OR EXTENSION OF A NON-CONFORMING USE IN THE SPECIAL LAND USE CHAPTER; AND BY PROVIDING FOR AN EFFECTIVE DATE.

The newly adopted Ordinance has been posted at the office of the Township Clerk, 13300 - 168th Avenue, Grand Haven, Michigan and on the Township's web site: www.ghl.org.

The Ordinance was adopted at a regular meeting of the Township Board on January 14, 2019.

Copies of the proposed Ordinance are available upon request at the office of the Township Clerk.


Kristi DeVerney, Deputy Clerk
Grand Haven Charter Township

Posted Legal Ad: January 18, 2019

ORDINANCE NO. 569

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF GRAND HAVEN CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN, CONCERNING ACCESSORY BUILDINGS AND STRUCTURES STANDARDS IN THE GENERAL PROVISIONS CHAPTER; AMENDING THE ENLARGEMENT OR INCREASE OR EXTENSION OF A NON-CONFORMING USE IN THE SPECIAL LAND USE CHAPTER; AND BY PROVIDING FOR AN EFFECTIVE DATE.

GRAND HAVEN CHARTER TOWNSHIP, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. General Provisions Chapter – Accessory Buildings and Structures. Section 20.03 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

SECTION 20.03 ACCESSORY BUILDINGS AND STRUCTURES

1. **Prohibited Accessory Buildings and Structures.** The following shall not be used as an accessory structure on any residential lot:
 - A. Shipping containers, include semi-trailers;
 - B. Manufactured mobile homes;
 - C. Inoperable vehicles;
 - D. Boats or other watercraft; and
 - E. Recreational Vehicles (RVs)/motor homes/travel trailers.

2. **Exempt Accessory Buildings and Structures.** The following accessory structures shall be exempt from the regulations of this section, except for the regulations listed below.
 - A. **Childhood Amenities.** Playground equipment, treehouses, lemonade stands, playhouses, and other similar amenities shall be exempt from this section, except they must be setback at least three (3) feet from all side and rear lot lines.
 - B. **Structures without Walls.** Gazebos, pergolas, and other permanent structures without walls shall be exempt from this section, except they must maintain the required setbacks for accessory structures.

C. **Elevated Walkways.** Elevated walkways that meet the standards of the Michigan Department of Environmental Quality to be constructed in a Critical Dune Area, High Risk Erosion Area, regulated Wetland, or regulated Floodplain shall be exempt from this section.

3. **Accessory Buildings and Structures.**

A. **Zoning Districts.** Accessory buildings and structures may be erected in any zoning district only as an accessory to an existing principal building (which includes being built simultaneously with the construction of the principal building).

B. **Principal Building Requirement.** Accessory buildings and structures may not be constructed, or if constructed may not remain, on a lot without a principal building. The Zoning Administrator shall have the authority to grant a temporary exception to this prohibition, subject to reasonable conditions, if the Zoning Administrator finds the temporary exception is consistent with the purposes of this Ordinance, as described in Section 1.02.

C. **Elements of the Principal Buildings.** All buildings and portions of buildings connected to the principal building shall be considered an element of the principal building (e.g., an attached garage), and shall therefore comply in all respects with the requirements of this Ordinance that apply to the permitted principal building, including but not limited to setback requirements, unless specifically stated to the contrary herein. The term “connected” shall mean the space shares a common wall with the principal building, or is connected by an enclosed breezeway.

D. **Permitted Uses.** Permitted uses of residential accessory buildings include storage of utility trailers, personal vehicles, recreation vehicles or equipment, yard maintenance equipment and machinery; or greenhouses or workshops for personal use, enjoyment, and pleasure of the residents of the dwelling unit.

E. **Residential Purposes.** All uses for residential accessory buildings and structures must be accessory to the use of the dwelling unit.

F. **Number of Accessory Buildings and Structures.** The number of accessory buildings shall comply with the table below.

| Lot Area in Acres | Maximum Number |
|---|----------------|
| Less than one (1) acre | 2 |
| One (1) acre, but less than ten (10) acres | 3 |
| Ten (10) acres, but less than twenty (20) acres | 4 |
| Every additional ten (10) acres | 1 per 10 acres |

G. **Size Requirements.** The total floor area (defined below) of the allowed residential accessory building(s) shall be dependent on the lot area, as outlined in the table below.

| Lot Area in Acres | Maximum Total Floor Area of the Allowed Accessory Building |
|---|--|
| Less than one-half (½) acre | 600 square feet |
| One-half (½) acre, but less than one (1) acre | 1,000 square feet |
| One (1) acre, but less than two (2) acres | 1,500 square feet |
| Two (2) acres, but less than five (5) acres | 2,000 square feet |
| Five (5) acres, but less than ten (10) acres | 2,500 square feet |
| Ten (10) acres, but less than fifteen (15) acres | 3,000 square feet |
| Fifteen (15) acres, but less than twenty (20) acres | 3,500 square feet |
| Twenty (20) acres or more | 4,000 square feet |
| Every additional five acres: | 2,000 additional square feet |

The term “total floor area” as used in this subsection means the sum total useable floor area of the ground floor of all residential accessory buildings situated or permitted on a lot. Total floor area also includes the area under an attached lean-to structure, or roof overhang greater than three (3) feet, or other similar sheltered area.

H. **Height Restrictions.** An accessory building can be up to twenty-four (24) feet in height, or the height of the principal building, whichever is greater. See Section 2.03 – Building Height, for measurement method.

I. **Setbacks.**

- 1) Setbacks shall be measured from the foundation of the accessory building or structure. A cantilever or overhang may extend no more than three (3) feet into the required setback.
- 2) Accessory buildings and structures shall be setback in accordance with the following table:

| Accessory Building or Structure Area (interior sqft) | SETBACKS | | | |
|--|--------------------|---------------|---------------|------------------------------|
| | Principal Building | Side Lot Line | Rear Lot Line | Other Accessory Structure(s) |
| 200 or less | 5 feet | 5 feet | 5 feet | 5 feet |
| 201 – 600 | 10 feet | 10 feet | 10 feet | 10 feet |
| 601 – 2,000 | 15 feet | 15 feet | 15 feet | 15 feet |
| 2,001 or more | 25 feet | 25 feet | 25 feet | 25 feet |
| Shall be setback at least twenty-five (25) feet from any road right-of-way | | | | |

J. Location Requirements.

- a. Accessory buildings and structures are not permitted in the front yard, or any required side yard.
- b. Accessory buildings and structures shall not occupy more than twenty-five (25%) percent of the rear yard.

2. Non-Residential Accessory Buildings and Structures.

- A. **Zoning Districts.** Non-residential accessory buildings and structures may be erected in any non-residential zoning district only as an accessory to an existing principal building (which includes being built simultaneously with the construction of the principal building).
- B. **Principal Building Requirement.** Accessory buildings and structures may not be constructed, or if constructed may not remain, on a lot without a principal building.
- C. **Elements of the Principal Building.** If the function of an accessory building is integrated into the permitted principal building, the space shall comply in all respects with the requirements of this ordinance

that apply to the permitted principal building, including but not limited to setback requirements, unless specifically stated to the contrary herein.

D. Size Requirements.

- 1) The term “total floor area” as used in this subsection, means the total useable floor area of the ground floor of all accessory buildings situated or permitted on a lot.
- 2) The total floor area occupied by the accessory buildings may exceed the gross floor area of the principal building on the lot.

E. Height Restrictions. No accessory building or structure shall exceed the building height for principal buildings in the district in which it is located.

F. Location Requirements.

- 1) Except for canopy roofs, as defined in this Ordinance, accessory buildings or structures are not allowed in any front yard or any required side yard.
- 2) Accessory buildings and structures shall not occupy more than twenty-five percent (25%) of the rear yard.

G. Setbacks.

- 1) Setbacks shall be measured from the foundation of the accessory building or structure. A cantilever or overhang may extend no more than three (3) feet into the required setback.
- 2) Accessory buildings shall comply with the setbacks of the underlying zoning district.
- 3) An accessory building shall be setback at least:
 - a) Twenty-five (25) feet from the principal building.
 - b) Eighteen (18) feet from another accessory building.

H. Canopy roofs.

- 1) Canopy roofs such as those for gas pump islands accessory to automobile service stations and other uses, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of fifteen (15) feet is maintained from any property line.
- 2) The height of the canopy roof shall not exceed fourteen (14) feet and shall be open on all sides.
- 3) The colors and design of the canopy shall be compatible with the principal building on the lot.
- 4) Lighting on, or within, the canopy shall comply with the requirements of Chapter 20A of this Ordinance.
- 5) Signs on the canopy shall comply with the wall sign provisions of Chapter 24 of this Ordinance. (amend. by ord. no. 514 eff. November 4, 2012)

Section 2. Special Land Uses Chapter – Enlargement or Increase or Extension of a Non-Conforming Use. Section 19.07.46 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

SECTION 19.07 SPECIAL LAND USE SPECIFIC REQUIREMENTS

46. Enlargement or Increase or Extension of a Non-Conforming Use.

- A. The enlargement or increase or extension is reasonable based upon a consideration of the area of the original non-conforming use.
- B. The enlargement or increase or extension shall not substantially interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned, or with the use of such other properties in compliance with the provisions of this Ordinance.
- C. The enlargement, increase or extension shall not significantly compromise the ability of the Township to effectuate the goals and purposes of its Master Plan. The Planning Commission shall consider the extent of the incompatibility of the enlargement, increase or extension with the Master Plan and shall, if it grants an enlargement, increase or extension at all, use the extent of the incompatibility for determining the percentage of allowable

enlargement, increase or extension. A correspondingly lesser percentage of enlargement, increase or extension may be granted when the extent of incompatibility is greater. A correspondingly greater percentage of enlargement, increase or extension may be granted (but no more than 25 percent) when the extent of incompatibility is less. (amend. by ord. no. 377 eff. June 21, 2003)

D. Non-Conforming Uses Lawfully Approved Under Previous Ordinance.

- 1) Applicant shall demonstrate the proposed enlargement, increase, or extension was lawfully approved under a prior ordinance.
- 2) Applicant shall demonstrate that ownership in the real property has been retained since the original application was approved.
- 3) The non-conforming use made part of the application shall be in existence and still present on the original parcel of land.
- 4) Applicant shall demonstrate that no other feasible alternatives exist on the subject property to obtain the highest and best use.
- 5) Planning Commission shall consider the cohesiveness with the surrounding area, subsections B and C above, and shall have discretion to increase the percentage allowed to enlarge, increase, or extend the non-conforming use, beyond twenty-five (25%) percent, notwithstanding the limits in Section 25.01.1.A of this Ordinance.

Section 3. Effective Date. This amendment to the Grand Haven Charter Township Zoning Ordinance was approved and adopted by the Township Board of Grand Haven Charter Township, Ottawa County, Michigan on January 14, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on November 26, 2018, 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 January 26, 2019, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Haven Tribune*, 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 Reenders, Township Supervisor

Laurie Larsen, Township Clerk

CERTIFICATE

I, Laurie Larsen, the Clerk for the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing Grand Haven Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on January 14, 2019. The following members of the Township Board were present at that meeting: Reenders, Kieft, Larsen, Behm, Meeusen, Gignac, Redick. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board – Reenders, Larsen, Behm, Meeusen, and Gignac voting in favor; and members of the Board – Kieft and Redick voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Haven Tribune* on January 18, 2019.

Laurie Larsen, Clerk
Grand Haven Charter Township