

CHARTER TOWNSHIP OF COOPER

RESOLUTION NO. 16-84

**RESOLUTION ADOPTING ORDINANCE NO. 240, AN ORDINANCE TO AMEND
SECTION 120.410(B) OF THE TOWNSHIP ZONING ORDINANCE**

A resolution made and adopted at a regular meeting of the Township Board of the Charter Township of Cooper, Kalamazoo County, State of Michigan, held at the Township Hall on September 12, 2016, at 7:00 P.M.

PRESENT: **Schiedel, Buiskool, DeHaan, Sorensen, Sytsma, Janssen, Vlietstra**

ABSENT: None.

The following Resolution was offered by **Schiedel** and seconded by **DeHaan**.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.* ("MZEA"), the Charter Township of Cooper ("Township") has authority to adopt and amend zoning ordinances regulating the use of land in the Township; and

WHEREAS, the Township desires to consider amending its Zoning Ordinance section 120.410(B) regarding accessory buildings. The proposed amendments would allow accessory buildings on non-buildable parcels subject to certain conditions; and

WHEREAS, upon giving notice in accordance with the MZEA, the Township Planning Commission ("Planning Commission") held a public hearing regarding the proposed zoning ordinance amendments on July 12, 2016; and

WHEREAS, following the public hearing, the Planning Commission recommended that the proposed zoning ordinance amendments be approved; and

WHEREAS, on August 8, 2016, the Township introduced an ordinance implementing these proposed amendments (the "Ordinance") attached as **Exhibit A**; and

WHEREAS, the Township desires to adopt the Ordinance as introduced for the public health, safety and welfare.

NOW, THEREFORE, the Township Board of the Charter Township of Cooper resolves as follows:

1. The Township hereby adopts Ordinance No. 240, An Ordinance to Amend Section 120.410(B) of the Township Zoning Ordinance (the "Ordinance," attached as Exhibit A).
2. The Ordinance shall be filed with the Township Clerk.
3. The Township Clerk shall publish a summary of the Ordinance in a newspaper of general circulation in the Township within 15 days.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: Schiedel, Buiskool, DeHaan, Sorensen, Sytsma, Janssen, Vlietstra

NAYS: None.

STATE OF MICHIGAN)
)
 COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Cooper, Kalamazoo County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board at a regular meeting held pursuant to the Open Meetings Act on the 12th day of September, 2016.

Bonnie Sytsma
 Clerk, Cooper Charter Township

CHARTER TOWNSHIP OF COOPER

ORDINANCE NO. 240

**AN ORDINANCE TO AMEND SECTION 120.410(B) OF THE TOWNSHIP ZONING
ORDINANCE**

THE CHARTER TOWNSHIP OF COOPER ORDAINS:

Section 1. Purpose.

The Charter Township of Cooper (the "Township") adopts the following amendments to the Township's Zoning Ordinance for the health, safety and welfare of Township residents.

Section 2. Amendment of Section 120.410(B).

Section 120.410(B) of the Zoning Ordinance, entitled "Accessory Buildings" shall be amended to add a paragraph 10 entitled "Exception for Non-Buildable Lots." The paragraph shall read as follows:

- 10: Exception for Non-Buildable Lots: An accessory building may be permitted on a non-buildable parcel subject to the following conditions:
- a. The non-buildable parcel shall be consolidated with a contiguous parcel, lot or site condominium unit by recording a deed restriction that such consolidation of the non-buildable parcel with a parcel, lot or unit must remain in perpetuity.
 - b. The zoning of the consolidated parcel, lot or unit shall be of the same zoning classification or in a different zoning classification where single family dwellings are permitted in both districts.
 - c. The buildable parcel, lot or unit must be legal or legal nonconforming (lot of record) and the consolidated non-buildable parcel must be of a contiguous width equal to or greater than the width of the buildable parcel for its entire width.
 - d. That this exception is for accessory buildings only and shall not allow for any consolidation that would allow for a lot or unit to be used for access for a principal building site.
 - e. That the location of the accessory building shall be behind the principal dwelling, using the extended lot width side yard setbacks. This would ensure that the accessory building is not located behind that of an adjoining dwelling (or lot if vacant) and that such area could be split for the benefit of the adjoining lot at some point in the future.

Section 3. Validity and Severability.

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 4. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance shall be effective seven days after publication as provided by law.

79620:00001:2770846-1