

CHARTER TOWNSHIP OF COOPER

RESOLUTION NO. 16-80

RESOLUTION INTRODUCING 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 August 8, 2016, at 7:00 P.M.

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

ABSENT: None.

The following Resolution was offered by Janssen and seconded by Vlietstra.

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, the Township wishes to consider an ordinance approving the proposed zoning ordinance amendments;

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

1. The Township hereby introduces Ordinance No. 240, An Ordinance to Amend Section 120.410(B) of the Township Zoning Ordinance (the "Ordinance," attached as Exhibit A).

2. The Township Board will consider adopting the Ordinance at its next regular meeting on September 12, 2016, at 7:00 p.m.

3. Pursuant to Section 20 of the Michigan Charter Township Act, Act 82 of 1994, MCL 42.1 *et seq.* (the "Act"), the Clerk is directed to publish the Ordinance in accordance with Section 8 of the Act by posting it in the office of the Clerk and on the Township's web site. The Clerk is further directed to publish notice of the posting in a form substantially conforming to Exhibit B to this Resolution in a newspaper of general circulation within the Township within seven (7) days after the posting. The notice shall describe the purpose of the Ordinance and state that the Ordinance is posted in the office of the Clerk and on the Township's web site.

4. A copy of the Ordinance shall be available for examination at the office of the Clerk, and copies may be provided for a reasonable charge.

5. 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 8th day of August, 2016.

Bonnie Sytsma
Bonnie Sytsma
Clerk, Cooper Charter Township

79620:00001:2754777-1

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.

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CHARTER TOWNSHIP OF COOPER

NOTICE OF POSTING OF PROPOSED ORDINANCES:

(1) AN ORDINANCE TO AMEND SECTIONS 120.230, 120.240 & 120.250 REGARDING INDUSTRIAL DISTRICTS OF THE TOWNSHIP ZONING ORDINANCE;

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

AND

(3) AN ORDINANCE TO AMEND LAND DIVISION AND SITE CONDOMINIUM ORDINANCES

PLEASE TAKE NOTICE that at its regular meeting on August 8, 2016, the Township Board received the following proposed ordinances (the “Proposed Ordinances”):

- “An Ordinance to Amend Sections 120.230, 120.240 & 120.250 Regarding Industrial Districts of the Township Zoning Ordinance”
 - The proposed ordinance would amend permitted uses in the I-1, I-2 and I-3 Industrial Zoning Districts and provisions regarding outdoor storage of products or material
- “An Ordinance to Amend Section 120.410(B) of the Township Zoning Ordinance”
 - The proposed ordinance would allow accessory buildings on non-buildable parcels subject to certain conditions.
- “An Ordinance to Amend Land Division and Site Condominium Ordinances”
 - The proposed ordinance would further regulate land divisions, lot line adjustments, and consolidation of parcels and would also add cross-references to the Township’s Zoning Ordinance

The Proposed Ordinances will be considered for adoption on September 12, 2016, at 7:00 p.m., at the Township Board meeting at the Township Hall at 1590 West D Avenue, Kalamazoo, Michigan. The Proposed Ordinances are available in their entirety for public inspection. The Proposed Ordinances are posted at the office of the Township Clerk, 1590 West D Avenue, Kalamazoo, Michigan, and are posted on the website of the Charter Township of Cooper, <http://www.coopertwp.org>.

BONNIE SYTSMA, Clerk
Cooper Charter Township Hall
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Kalamazoo, MI 49009
(269) 382-0223