

**CITY OF CEDAR SPRINGS
CITY COUNCIL
Kent County, Michigan**

Councilmember _____ supported by Councilmember _____, moved the adoption of the following ordinance:

ORDINANCE NO. 212

**AN ORDINANCE TO AMEND Chapter 40- ZONING OF THE CITY CODE OF
ORDINANCES**

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment to Modify Chapter 40-Zoning. That the Code of Ordinances of the City of Cedar Springs is amended to modify Sec. 40-441 Accessory buildings and structures to read in its entirety as follows:

Sec. 40-441 Accessory buildings and structures

- (1) No person shall place an accessory building or structure without first obtaining a valid permit issued by the city pursuant to this article unless specifically exempted from permitting under this article.

Accessory buildings generally.

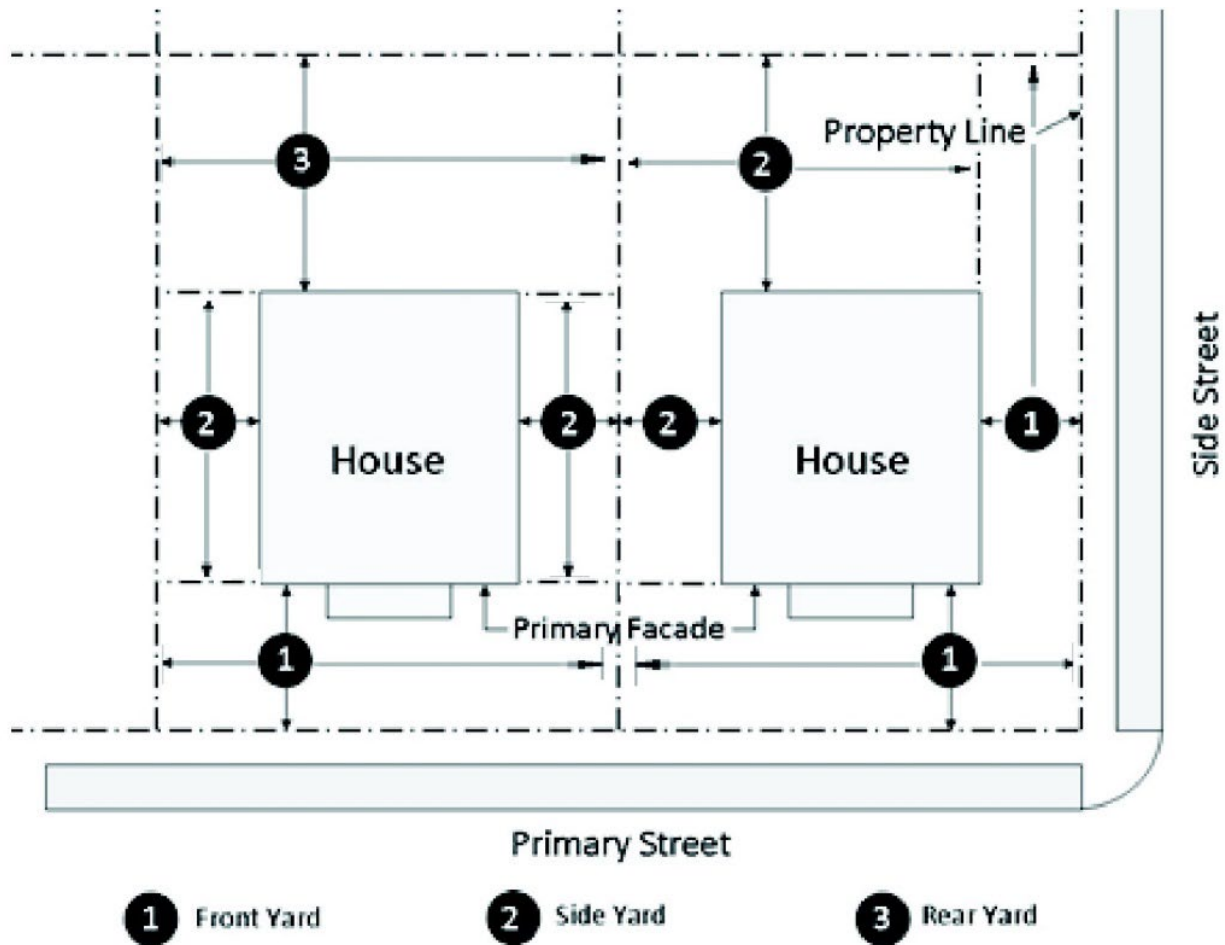
- (2) Accessory buildings or structures consist of but are not limited to:
- a. Garages
 - b. Sheds
 - c. Porches
 - d. Decks
 - e. Gazebos
 - f. Picnic pavilions
 - g. Boathouses
 - h. Pole barns
 - i. Car Ports
 - j. Play House/Studio
 - k. Swingset/Play Structure

- l. Pool House/Cabana
- m. Permanent Pool/Hot tub
- n. Greenhouse
- o. Storage building
- p. Garden Storage/Barn
- q. Hobbyshop/Workshop
- r. BBQ, outdoor kitchen, chimney, fire pit
- s. Permanent sporting equipment or fields of play
- t. Other similar structures customarily incidental and subordinate to the principal building on the property

The terms accessory buildings and accessory structure may be used interchangeably in this ordinance and shall both encompass the above structures.

(3) Where accessory buildings or structures such as enclosed porches or garages are attached to a main building in a substantial manner, they shall be made structurally a part of the main building such as by a wall or roof, and they shall conform to all regulations of the zoning ordinances applicable to a principal building. Any such attached building or structure that is used for the storage of motor vehicles or flammable substances shall utilize fire-resistance-rated walls as required by the Michigan Residential Code.

(4) Accessory buildings shall not be permitted in a front yard. When an accessory building or structure is located on a corner lot, where the side lot line is a continuation of the front lot line of the lot to its rear, the accessory building or use shall be located no nearer than the required front yard setback line on the lot behind the corner lot.



(5) Certain structures, traditionally found in the front yard such as mailboxes, art displays, ornamental lights, birdfeeders, mobility ramps, free little libraries or similar are specifically permitted in a front yard but shall otherwise follow the requirements of this ordinance.

(6) Accessory buildings that are used for the storage of motor vehicles shall be connected to a public street via a driveway meeting the requirements of the City.

(7) Accessory buildings and structures in excess of 100 square feet must be designed, constructed, and finished such that the exterior appearance is compatible in terms of materials, color and general construction with that of the principal structure.

(8) Accessory buildings or structures shall not be permitted on a lot or parcel which does not have a principal use or main building.

(9) All accessory buildings or structures larger than sixty-five (65) square feet floor space, with a height more than nine (9) feet at the peak above grade or with a floor more than 30 inches above grade shall require a Zoning Permit prior to construction or installation. All accessory buildings or structures smaller than sixty-five (65) square feet floor space, with a height less than nine (9) feet at the peak above grade or with a floor less than 30 inches above grade are exempt from zoning permit approval but must still adhere to all requirements of this ordinance that apply to accessory building or structures generally and specifically including setback and front yard placement requirements

(10) Detached accessory building or structures shall be located a minimum of ten (10) feet away from any principal building unless it is attached to the principal building, excepting permanent car-ports. No detached accessory building or structure may be located closer than ten (10) feet to a street right-of-way line except for mailboxes.

(11) Detached accessory buildings or structures with a height up to nine (9) feet tall at the peak or up to one hundred (100) square feet floor space shall be a minimum of three (3) feet at the drip-edge or closest point from any property line. Detached accessory buildings or structures up to fifteen (15) feet tall at the peak or up to three hundred (300) square feet floor space shall be a minimum of six (6) feet from any property line at the drip-edge or closest point. Any detached accessory buildings or structures over three hundred (300) square feet must be a minimum of 10 feet from any property line at the drip-edge or closest point. Height shall be measured from ground level for structures placed on the ground or from the concrete base for structures placed on a concrete base.

(12) The Planning Commission, by a majority vote and with findings on the record, may permit or deny an accessory building up to a maximum height of either the maximum height of the existing primary building on the same lot or 25 feet tall, whichever is less, if it finds by a preponderance of the evidence that the proposed building or structure will not:

- a. have a demonstrated reduction of privacy on adjoining properties,
- b. have a negative aesthetic effect on adjoining properties,
- c. cause a reduction in air flow onto adjoining properties,

- d. affect the shading of an adjoining property that may reduce vegetative use or solar access of said property.

The Planning Commission may require a greater setback than is otherwise required in this chapter to compensate for the permitted additional height of the accessory building or structure granted herein up to a maximum requirement of the setback applied to the primary building in the zoning district.

(13) Any accessory building or structure on a residential lot that is over 200 square feet shall obtain a building permit and shall meet the foundation requirements of the Michigan Residential Code, any accessory building or structure on a commercial or industrial lot that is over 150 square feet shall obtain a building permit and shall meet the foundation requirements of the Michigan Construction Code.

(14) Accessory buildings and structures shall not be occupied for dwelling purposes.

(15) The installation of electrical or plumbing in or on an accessory building shall require building inspection and permitting.

(16) The maximum floor space of any one accessory building shall be 720 square feet unless otherwise approved by the Planning Commission. The total area of all accessory buildings shall not, in combination with all other principal and accessory structures, exceed the maximum lot coverage of the zoning district.

(17) The Planning Commission, by a majority vote and with findings on the record, may permit or deny an accessory building larger than 720 square feet of floor space if it finds by a preponderance of the evidence that the proposed building or structure will not:

- a. have a demonstrated reduction of privacy on adjoining properties,

- b. have a negative aesthetic effect on adjoining properties,
- c. cause a reduction in air flow onto adjoining properties,
- d. affect the shading of an adjoining property that may reduce vegetative use or solar access of said property,
- e. Exceed the zoning district's maximum lot coverage,
- f. Intrude upon the setback requirements,
- g. Be disproportionate in size in comparison to the principal building.

The Planning Commission may require a greater setback than is otherwise required to compensate for the additional height of the accessory building or structure granted herein up to a maximum requirement of the setback applied to the primary building in the zoning district.

(18) In no instance shall an accessory building or structure be within a public right-of-way or easement, unless otherwise permitted in an easement agreement. Any such structure in the right-of-way or easement shall be subject to removal by the City and the costs for removal shall be paid by the encroaching real property owner.

(19) No accessory building or structure shall be constructed with a tubular frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability excepting greenhouses, whose primary purpose and use is the growing of plants and storage of gardening equipment.

(20) All accessory buildings shall be well maintained and kept in a clean and safe condition; rips in the cover, hanging cover material, leaning frames and other visual detriments that present an unkept image shall not be permitted. Accessory buildings not kept in clean and safe conditions shall be promptly repaired or removed.

(21) The construction of all accessory buildings shall be completed in such a way that it does not drain to a neighboring property, but must maintain its runoff on the property it is constructed on. This may include one or all of the following items: eave and drain spouts, location of drain spout discharge, grading of the

property to the shared property line back to the new structure and/or a physical curb/gutter type structure.

(22) Nothing in this ordinance shall be construed to interfere with other state or federal laws such as the Americans with Disabilities Act.

(23) In addition to the penalties and remedies available under this article, violations of this ordinance shall be punishable as a municipal civil infraction including but not limited to abatement of the violating condition or the granting of any injunctive relief.

Section 2. Severability and Repealer. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect upon its publication in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs, consistent with state law and the City Charter.

YEAS: Councilmembers: _____

NAYS: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

Ordinance No. 212 declared adopted

Dated _____, 2018

Rebecca Johnson, City Clerk

CERTIFICATION

I certify that this is a true and complete copy of a resolution adopted by the City Council of the City of Cedar Springs at a Regular Meeting held _____, 2018 and that public notice of the meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: _____, 2018

Rebecca Johnson, City Clerk