

**CITY OF COOPERSVILLE
COUNTY OF OTTAWA, STATE OF MICHIGAN**

ORDINANCE NO.514

CHAPTER 1280 – GENERAL REGULATIONS

SECTION 1280.04 – AREA, HEIGHT AND USE CONDITIONS AND EXEMPTIONS

AN ORDINANCE TO AMEND THE CITY OF COOPERSVILLE CODIFIED ORDINANCES,
SPECIFICALLY, CHAPTER 1280 "GENERAL REGULATIONS"
SECTION 1280.04 (o) and (p) (q) AREA, HEIGHT AND USE CONDITIONS AND EXEMPTIONS

CITY OF COOPERSVILLE, OTTAWA COUNTY, STATE OF MICHIGAN HEREBY ORDAINS:

SECTION 1.

That part 1280.04 (o) (p) (q) of the Codified Ordinances of the City of Coopersville shall be amended with the addition of 1280.04 (o), (p) and the realignment of (q) so that such section shall read as follows:

CHAPTER 1280 - GENERAL REGULATIONS

SECTION 1280.04

1280.04 AREA, HEIGHT AND USE CONDITIONS AND EXEMPTIONS.

- (a) Required Area or Space. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this Zoning Code. If already less than the minimum required under this Code, such area or dimension shall not be further divided or reduced.
- (b) Existing Platted Lots. Where an existing residentially zoned platted lot has an area of not less than ninety percent of its zoning district requirements and where such lot can provide the side yard requirements of its district, a single-family use is permitted. An existing platted lot in single ownership of less than ninety percent of its district requirements may be utilized for a single-family use and for such purpose the required side yards may be reduced by the same percentage the area of such lot bears to its district requirements, provided that no side yard shall be less than five feet and that off-street parking requirements are met. Where two such lots contain less than ninety percent of their district requirements, such lots shall be utilized in conformance with the minimum requirements of this Zoning Code.
- (c) Exceptions. The requirements of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, monuments, cupolas, domes, spires and penthouses housing necessary mechanical appurtenances. Additions to buildings existing at the effective date of this Zoning Code (Ordinance 195, passed April 4, 1990), which now exceed the height limitations of the district up to the height of the existing building, will be permitted in those instances in which the lot is large enough to encompass a circular area with a radius equal to at least the height of the structure.
- (d) Mobile Homes. Mobile home dwellings are considered as dwellings and shall not be considered as accessory to a permitted use.
- (e) Transition Lots. The first R-1, R-2, R-3 or R-4 District lot with the side yard adjacent to a Commercial or Industrial District (without any street intervening between such properties) may be used for uses permitted and as regulated in the R-3 District for new residence structures. Such transition lot cannot be construed to extend for more than 150 feet from such Commercial or Industrial District. In addition, such land may be used for offices for doctors, dentists, architects and similar professions. For approval of these uses, a detailed development plan and an architectural sketch of all structures to be erected shall be submitted to the Planning Commission to determine that the plan meets the following requirements:
 - (1) Yard and area requirements of the District;
 - (2) Parking areas and access drives;
 - (3) Landscaping and screening plan; and

- (4) That the proposed building has a residential appearance keeping in conformity with the character of the adjacent neighborhood.
- (f) Front and Side Yard Setbacks. Front and side yard setbacks shall be measured to the main wall of a building.
- (g) Fences and Vegetation. (EDITOR'S NOTE: Subsection (g) was repealed by implication by Ordinance 210, passed July 27, 1992. See Section 1464.02 of the Building and Housing Code.)
- (h) Mechanical Appurtenances. Mechanical appurtenances such as blowers, ventilating fans and air conditioning units shall be attached to the principal building and be placed not closer than twenty feet to adjoining properties.
- (i) Work on Vehicles. Mechanical work on trucks (one ton or more) or race cars owned by the occupant of a dwelling or on any vehicles not owned by an occupant of the premises is prohibited in Residence Districts. Any permitted work on vehicles shall be performed entirely within a building, and no parts or vehicles not in a legally operable condition shall be stored outside except by permit. For permitted work, refer to Section 450.02.
- (j) Use of Residential Structures for Nonresidential Purposes. Existing residential structures or buildings accessory thereto and additions to the same may not be used for commercial or industrial purposes. (Exceptions - see home occupations, Section 1250.04)
- (k) Fallout Shelters. Fallout shelters are permitted in any zoning district as an accessory use, provided that all yard and coverage requirements of the district are met. Community fallout shelters are permitted in any district as an accessory use, but only after the plans therefor have been approved by the Planning Commission as suitable for the purpose and that the shelters, and particularly exits, entrances and ventilators, are suitably located and in conformity with the character of the adjacent neighborhood.
- (l) Storage of Vehicles. In all Residence Districts, vehicles not intended for private passenger use shall be garaged at all times.
- (m) Living Quarters for Accessory Buildings. No accessory building shall include residential or living quarters for human beings. (Ord. 195. Passed 4-9-90.)
- (n) Animals in Residential Units. No more than three adult domestic animals in combination shall be kept or housed in any one residential unit in any Residence District.
- (o) Backyard Chickens in Residential Zoning Districts.
1. Prior to the keeping of any backyard chickens or installation of any backyard chicken enclosure, a permit application with fee must be submitted to the city zoning administrator and be approved.
 - (a) The applicant shall pay the fee required by the fee resolution periodically adopted by the city council.
 - (b) An initial backyard chicken permit shall be valid indefinitely or until the property is sold.
 - (c) Upon sale of property, the new owner of the property must submit a new permit application with fee to the zoning administrator and be approved, to continue the accessory use of the keeping of backyard chickens.
 - (d) Failure to comply with this zoning ordinance will result in the approved permit to be suspended/revoked and the chickens will be required to be removed from the property.
 2. The keeping of backyard chickens is permitted as an accessory use if all the following conditions are met:
 - (a) The parcel of land is located within a residential zoning district and the principal use of the parcel is a single-family residential dwelling.
 - (b) The keeping of chickens shall be done on a noncommercial basis while limiting and mitigating any potential adverse impacts. The keeping of chickens shall be exclusively used by the people occupying the property as a locally grown food source for the consumption of eggs or meat.
 - (c) Chickens shall be provided with and kept within a completely enclosed covered coop (which is defined in this case as an enclosure, coop and/or cage).
 - (d) The enclosed coop area where the chickens are kept shall be located within the rear yard (as defined in the Zoning Ordinance), not within the main building or any attached accessory buildings

and shall be at least (20) twenty feet from any dwelling and at least (20) twenty feet from the rear or side lot lines.

- (e) Chickens shall not be allowed to roam the parcel or any public streets, land, alleys, vacant lots or other open or public places, or upon any third-party premises.
 - (f) A maximum of six chickens may be kept per parcel.
 - (g) Chickens that crow, roosters, guinea fowl, and all other fowl including ducks shall not be permitted.
 - (h) The outdoor slaughtering of chickens is prohibited.
3. Chicken coops shall be kept and maintained in a manner so as to minimize to the greatest extent possible any adverse impacts to the property on which they are kept, surrounding properties, and any other areas of the city, including, without limitation, dust, dirt, noise, odor, vermin, the attraction of other birds or animals, the potential spread of infection, disease or contamination or other health or safety hazards or nuisance conditions. All chicken coops shall:
- (a) Be constructed of permanent residential building materials suited for the purpose.
 - (b) Be enclosed on all sides and from above.
 - (c) Materials used to construct the enclosed areas shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.
 - (d) Be of sufficient size and design, and constructed of such material, so that it can be maintained in a clean, orderly, and sanitary condition.
 - (e) Be kept, always, in a clean, orderly, and sanitary condition, in good repair, and in compliance with all applicable health and safety laws and regulations.
 - (f) Be a maximum of 80 square feet in area and eight feet in height.
 - (g) Contain sufficient square footage to allow the chicken housed within to move around freely and provide an interior height of at least six inches higher than the head of the chicken in the enclosure when the chicken is in the normal standing position. A run for chickens shall be of a length, width, and height to provide adequate space for an animal to exercise.
4. All chickens shall be fed only within the confines of the chicken coop. All feed for the animals shall be stored in sealed containers that will prevent intrusion by insects, rodents, and other vermin.
5. Litter must be regularly removed and properly disposed of in compliance with all local, state, and federal regulations.
6. The keeping of chickens shall follow all other local, state, and federal regulations.

(Ord. 514 Passed 06-13-22)

- (p) Gardening and the keeping of farm animals shall be considered customary to and commonly associated with the operation of permitted uses, provided that:
 - (1) Such farm animals may be raised or kept for the owner's use on a lot of not less than one- and one-half acres in area.
 - (2) One farm animal may be kept on a lot of not less than one and one-half acres, provided that the structure containing such use is located not less than 100 feet from all adjoining residential lot lines or any residence and that an additional on-half acre is provided for each additional farm animal.

(Ord. 514 Passed 06-13-22)

- (q) Whoever violates or fails to comply with any of the provisions of Section 1280.04 is responsible for a Municipal civil infraction and shall be subject to the penalties provided in Section 202.99 (a) (1) of the Administration Code. (Ord. 514 Passed 06-13-22)

- (r) Outdoor Furnaces. A wood, coal, or other combustible material burning furnace situated outside intended to provide heat and/or hot water to a structure shall be allowed in (AG) Agricultural, (R-1) Low-Density Residential, and (R-2) Single-Family Residence zoned districts only. The minimum lot size for outdoor furnaces shall be two and one-half acres.

Outdoor furnaces shall be setback from the side property line by at least 100 feet or located in the rear yard setback at least fifty feet from the property line. Outdoor furnaces and combustible materials used within it may be required to be screened dependent upon the view from neighboring property owners at the discretion of the Zoning Administrator.

(Ord. 228. Passed 12-13-93; Ord. 393. Passed 7-24-06. Ord. 514 Passed 06-13-22)

SECTION 2.

The Coopersville City Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

SECTION 3.

Severability. Should any part of this ordinance be held invalid by a court of competent authority the remaining parts of the Ordinance shall be severable and continue in full force and effect.

SECTION 4.

This Ordinance shall be published in one newspaper of general circulation in the city, as required by the City Charter, and become effective immediately upon adoption.

YEAS: Council Members Bush, Weise, Gavin, Gerard, Mayor Young

NAYS: NONE

ABSTAIN: NONE

ORDINANCE NO. **514** ADOPTED THIS **13th DAY** OF **June 13, 2022**

Duane Young, Mayor

Kimberly K. Borgman, City Clerk

Adopted: 6/13/22

Published: 7/4/22

Effective: 6/13/22

CERTIFICATION

I certify that the foregoing is a true and complete copy of an ordinance that was duly passed by the affirmative vote of at least four (4) council members of the City Council of the City of Coopersville at a regular meeting held on June 13, 2022, which was conducted in accordance with the Open Meetings Act 267 of the Public Acts of Michigan of 1976, as amended.

City Clerk

Date