

ORDINANCE NO. 2022-02

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE PIERSON TOWNSHIP ZONING ORDINANCE TO AMEND SECTION 2.02 – DEFINITIONS – A THROUGH E, AMEND SECTION 2.04 – DEFINITIONS – M THROUGH R, AMEND SECTION 4.16 – ACCESSORY BUILDINGS, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF PIERSON, COUNTY OF MONTCALM, AND STATE OF MICHIGAN ORDAINS:

Section 1. SECTION 2.02 – DEFINITIONS – A THROUGH E. Section 2.02 of the Zoning Ordinance will be amended to state in its entirety as follows.

**SECTION 2.02 – DEFINITIONS – A THROUGH E**

- (a) Accessory Building (ABU). A detached structure or building, on the same lot or parcel of land as the principal building or buildings, the use of which is of a nature customarily or clearly incidental and subordinate to that of the main building or structure.
- (b) Accessory Use. A use naturally and normally incidental and subordinate to a principal use on the same premises.
- (c) Basement. That portion of a building which is partly or wholly below the grade of the land, but is so constructed that the vertical distance from the average grade of the land down to the floor of the basement is greater than the vertical distance from the average grade of the land to the ceiling of the basement. A basement shall not be counted as a story.
- (d) Bed and Breakfast Establishment. A private residence that offers overnight accommodations to lodgers in the innkeeper's (owner or operator) principal residence and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than 30 consecutive days.
- (e) Building. Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals, or property, or carrying out of business activities, or similar uses.
- (f) Building Height. The vertical distance measured from the lowest point of elevation of the surface of the ground or finished material anywhere around the perimeter of a building, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to a point which is half way between the eaves and the ridge of gable, hip, or gambrel roofs.
- (g) Cluster Housing. An arrangement of single family detached dwellings in a land development in which the dwellings are generally located on smaller lots than might otherwise be expected, and in which the dwellings are placed in separate or particular areas of the land, with the result that a significant portion of the overall land area of the development remains in open space, without buildings or other improvements.
- (h) Commercial Storage Warehouse. Any building or buildings used primarily as a commercial business for the storage of goods and materials.
- (i) Driveway. An improved or unimproved path or road extending from a public or private street or other right-of-way to not more than two buildings, dwellings or parcels of land, and which is intended to provide the primary means of access to not more than two buildings, dwellings or parcels of land.

Driveways, as defined herein, are not subject to the private street requirements of Chapter 4 of this Ordinance.

- (j) Drive-in or Drive-through Facilities. Any facility used to serve patrons of a business while in their motor vehicles, either exclusively or in addition to service within a building or structure.
- (k) Dwelling, Multiple Family. A building designed for occupancy by three or more families living independently of each other.
- (l) Dwelling, Single Family Detached. A detached building designed exclusively for and occupied exclusively by one family.
- (m) Dwelling, Two-Family. A building used for occupancy by two families living independently of each other.
- (n) Dwelling Unit. A building, or portion of a building, designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.
- (o) Earth-Bermed Dwelling. A dwelling in which the ground floor is partly below grade so as to provide climatic protection, noise control or for other reasons.
- (p) Essential Public Service Structures or Buildings. Buildings or structures owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations which are not located entirely underground, and similar structures or buildings necessary to furnish adequate service within the Township, but not including Essential Public Service Equipment.
- (q) Essential Public Equipment. Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, street lights, or similar equipment, but not including Essential Public Service Structures or Buildings.

Section 2. SECTION 2.04 – DEFINITIONS – M THROUGH R. Section 2.04 of the Zoning Ordinance will be amended to state in its entirety as follows.

**SECTION 2.04 – DEFINITIONS – M THROUGH R**

- (a) Manufactured Home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a "mobile home" in this Ordinance.
- (b) Master Plan. The long range land use plan currently adopted by the Township Planning Commission and any amendment to such plan.
- (c) Manufactured Housing Community. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Also referred to as a "mobile home park" in this Ordinance.
- (d) Motel/Hotel. A building or group of buildings on the same lot, containing sleeping or dwelling units, in which lodging is provided for compensation on a transient basis.
- (e) Nonconforming Building. A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, but not conforming to the current provisions of the Zoning Ordinance.
- (f) Nonconforming Use. A use or activity lawfully existing on the effective date of this Ordinance or amendments thereto but not conforming with the current provisions of the Zoning Ordinance.

- (g) Off-Street Parking Lot. A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three vehicles, other than in connection with a single family dwelling.
- (h) Open Air Business. A business, a substantial part of which involves activities or the display and sale of goods outside of a building, including motor vehicle and boat sales, mobile home sales, lawn and garden centers, golf driving ranges, and similar uses.
- (i) Planned Unit Development. A land development project that is under unified control and is planned and developed as a whole, either in a single land development project or in a series of stages of development, over a period of time. A planned unit development (PUD) may take place only if approved under the PUD District provided for in Chapter 11. A planned unit development is developed in accordance with a specifically-approved plan for the development, and it may include buildings and other improvements, streets, walkways, utilities, storm water drainage areas, landscaping, outdoor lighting, signage, open spaces and other site features and improvements.
- (j) Principal Building. The building in which the principal use is located.
- (k) Principal Use. The primary use to which the premises are devoted.
- (l) Private Garage. A detached accessory building or portion of a main building used primarily for the parking or storage of passenger motor vehicles and/or trucks.
- (m) Recreational Vehicle. Vehicles used primarily for recreational purposes, including but not limited to camper trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies, and trailers used to transport them, and similar vehicles.

Section 3. AMEND SECTION 4.16 – ACCESSORY BUILDINGS. Section 4.16 of the Zoning Ordinance will be amended to state in its entirety as follows.

**AMEND SECTION 4.16 – ACCESSORY BUILDINGS.**

- A. In any zoning district accessory buildings are permitted, the architectural character, roof lines, materials, and siding of accessory buildings used as private garages shall be generally compatible with those of the principal building.
- B. In any zoning district accessory buildings are permitted, one (1) private garage not to exceed 30 percent of the floor area of the principal building, attached or detached, will not count towards the total number of allowed Accessory Buildings.
- C. No accessory building shall be built upon any parcel on which there is no principal building, except accessory buildings to a principal structure located on a nearby lot shall be permitted in the LR District with the following conditions:
  - 1. Not more than one such building, or structure may be located on a lot across a public or private street which is either directly across or substantially adjacent and across from a lot improved with a principal dwelling, if both lots are under common ownership.
  - 2. A restrictive deed covenant shall be imposed against both such lots, prohibiting their separate sale unless the accessory building or structure is removed, or the lot on which it is located is improved by a principal dwelling, in compliance with the Zoning Ordinance.
- D. In the case of a proposed accessory building to be constructed on a parcel of land on which the principal building is being or will be constructed, a building permit for any such accessory building



shall not be issued until the construction of the principal building has proceeded to the point at which the Township Building Official has inspected and approved the building-foundation stage of construction.

- E. No accessory building shall include residential or living quarters, unless permitted elsewhere by the terms of this Ordinance.
- F. The distance between an accessory building and any principal building shall not be less than ten (10) feet.
- G. No mobile home, trailer, shipping container, vehicle, tank, junk object or salvage materials or similar items shall be utilized as an accessory building or storage structure unless it has been approved as a Special Land Use; provided, however, that this requirement shall not apply to agricultural storage or other agricultural activities on bona fide farms, nor shall it apply to temporary tool sheds or similar temporary storage structures used during the construction of buildings or other structures on the land where such temporary tool sheds or other temporary storage structures are located.
- H. The roof overhang on any side of an accessory building shall not exceed twelve (12) feet in width, as measured from the building wall to the roof supports, if any; provided however, that a roof overhang exceeding twelve (12) feet in width may be permitted if the portion of the overhang that extends beyond, a point twelve (12) feet away from the building wall is counted in determining the total area of the accessory building.
- I. **Yard Restrictions.**
  - 1. Accessory buildings shall meet the minimum required building setbacks for a principal building as required by the zoning district in which it is located, except for the following:
    - i. In the AG, R-R, R-1, and R-2 Zoning Districts, an accessory building that has an area of 200 square feet or less may be located within five (5) feet of a rear or side lot line.
    - ii. In the LR Zoning District, an accessory building that has an area of 200 square feet or less may be located within five (5) feet of a side lot line.
  - 2. Private garages shall be considered as an integral part of the principal building when the structures are solidly covered and connected by a breezeway, portico, covered colonnade, or similar architectural device; and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
    - i. The connected distance between a principal building and a Private Garage shall not exceed 30 feet.
  - 3. An Accessory Building shall not occupy more than thirty (30) percent of the area of the yard in which it is located.
  - 4. An Accessory Building may be constructed, erected, or placed in the front yard of any lot if it meets one of the following criteria:
    - i. The Accessory Building is setback at least 200 feet from the front lot line and meets all other setback requirements.

- ii. The Accessory building is located not less than the required setbacks for a principal building in the zoning district within which the property is located. No portion of the detached accessory building facing the street, measured drip line to drip line, may be located in the area between the principal building and the street, where the area is formed by lines drawn from the opposite ends of the principal building facing the street, when the lines form right angles with the front lot line adjacent to the street right-of-way.

**J. Size and Dimensional Requirements.**

1. An accessory building in R-1, R-2 and LR Districts which is larger than 200 square feet in area may be erected only if the Zoning Administrator or other designated official finds:
  - i. That the intended use of the building is consistent with the nature of the permitted uses.
  - ii. That the size, proposed location, type and kind of construction, and general architectural character of the building is consistent with existing permitted uses.
  - iii. That the type and kind of the accessory building is similar in nature to structures located on the adjoining properties and in the same neighborhood.
  - iv. That the building will not adversely affect the light and air circulation of any adjoining properties.
  - v. That the reason the applicant has requested a larger accessory building is consistent with the intent of this Ordinance.
  - vi. That the building will not adversely affect the view of any adjoining property.
  
2. In addition to the requirements of Section 4.16(F)(1) accessory buildings in AG, R-R, R-1, R-2, and LR Districts shall comply with the following:

Lot Size	Number of ABU allowed	Max area of an ABU	Max area of combined ABUs	Max Door Height	Max Eave Height	Max ABU Height	Length to Width
Less than one (1) acre	2	896 sqft	1200 sqft	13 ft	15 ft	24 ft	no more than 2x
More than one (1) acre, less than two (2) acres	2	1200 sqft	1200 sqft	14 ft	16 ft	24 ft	no more than 2x
More than two (2) acres, less than four (4) acres	2	1600 sqft	1600 sqft	14 ft	16 ft	25 ft	no more than 2x
More than four (4) acres, less than eight (8) acres	2	2400 sqft	2400 sqft	14 ft	16 ft	25 ft	no more than 2x
More than eight (8) acres, less than twenty (20) acres	2	3000 sqft	5000 sqft	14 ft	16 ft	25 ft	no more than 2x
Twenty (20) acres or more	2	6000 sqft	12000 sqft	14 ft	16 ft	25 ft	no more than 2x

3. Accessory buildings larger than permitted by Section 4.16(F)(1) and (2) may be permitted by the Planning Commission as a special land use if the Planning Commission finds all of the following:
  - i. That the parcel is an unplatted parcel.
  - ii. That the parcel contains at least four (4) acres in area.
  - iii. That the parcel is at least 330 feet wide, as measured at the front main wall of the accessory building located on the parcel.
  - iv. That the conditions of Section 4.16(f)(1)(iii)(I) through (VI) are satisfied.
  - v. That the accessory building will comply with the applicable yard and height regulations of the zoning district.
  - vi. That no commercial use shall be conducted within the accessory building.
  - vii. That the accessory building will be consistent with the character of the area and the existing accessory buildings within one-quarter mile of the proposed building site.
  - viii. The provisions of Chapter 19 – Special Land Uses have been met.

**K. Certain Existing Accessory Buildings; Conditions for Lawful Nonconformity.**

1. A formerly lawful accessory building in existence at the effective date of this subsection but which no longer complies with this Ordinance as a result of an approved land division and conveyance which causes the accessory building to be located on a lawful parcel of land on which there is no principal building, shall nevertheless be and remain a lawful nonconforming accessory building if all of the conditions stated in this subsection below are satisfied.
2. The accessory building shall be used only for a lawful accessory use under the terms of the zoning district in which it is located.
3. The accessory building shall not be expanded or enlarged, but it may be maintained, repaired, restored and modernized to such extent as may be necessary or convenient for a lawful accessory use of the building.
4. The accessory building shall comply with all current minimum required accessory building setbacks and separation distances for the zoning district in which it is located.
5. The nonconformity of the accessory building by reason of the absence of a principal building on the same parcel of land shall be lawful for only one year from the date of the conveyance of the parcel; provided, however, that if a lawful principal building has not been constructed and completed within one year from the date of such conveyance, by reason of extenuating and unavoidable circumstances specified in writing by the property owner, the Zoning Administrator may grant an additional period, of up to one additional year, for the construction and completion of a lawful principal building. In addition:




- i. The owner of the resulting parcel that includes the accessory building shall submit to the Township, within 30 days after the conveyance, cash or an acceptable irrevocable letter of credit conditioned upon the construction and completion of a lawful principal building on the resulting parcel, within one year (or within such greater period of time as permitted under (5) above) after the above-stated conveyance.
  - ii. The irrevocable letter of credit shall name the Township as the obligee or other benefitted party, and shall be in that amount, determined by the Zoning Administrator, which would be sufficient to defray the entire cost of the tearing down and removal of the accessory building and the restoration of the land by the Township, if a principal building is not constructed and completed within the time period permitted.
  - iii. The owner of the resulting parcel that includes the accessory building shall prepare and record, within 30 days after the above-stated conveyance, a restrictive covenant, in form and content satisfactory to the Township, whereby there shall be imposed as a covenant running with the land, (1) the owner's obligation to construct and complete a principal building on the resulting parcel within the time-period as stated above, and (2) the right of the Township under the terms hereof to tear down and remove the accessory building and restore the land if a principal building is not constructed and completed on the resulting parcel within the above-stated time-period.
    - I. The restrictive covenant shall include the consent of the owner of the resulting parcel to the Township obtaining an order of a court having jurisdiction, whereby the Township is authorized to enter upon the land, tear down and remove the accessory building and restore the land, upon the failure of construction and completion of a principal building within the time specified herein; but the Township shall not be obliged to seek such an order, nor shall the same be necessary to the exercise of the rights granted to the Township in the circumstances described herein.
    - II. The restrictive covenant shall be subject to the approval of the Township Attorney prior to recording, as to compliance with this subsection (g)(5) and as to its legal effectiveness in imposing the above-stated restrictions on the land and in binding all subsequent owners thereof.
    - III. If required by the Township, the owner shall submit for Township review a last owner of record search covering the resulting parcel and prepared by a land title insurance company, for the purpose of assuring to the Township that the restrictive covenant is executed by all of the parties in interest in the land, including mortgagees and other lien holders of record.
6. Upon the failure of construction and completion of a principal building on the resulting parcel, as required in subparagraph (g)(5), the Township may execute upon the cash or irrevocable letter of credit, enter upon the land without notice and tear down and remove

the accessory building and restore the land thereafter; the Township may expend the proceeds of the cash or irrevocable letter of credit for such purpose. Prior thereto, the Township may seek other available legal relief in the circumstances with the cash or irrevocable letter of credit but shall not be required to do so. No person shall split a lawful parcel of land which causes an existing accessory building or buildings to become nonconforming by way of setback, area, or other dimensional requirements.

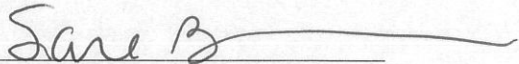
Section 4. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 6. Effective Date. This amendment to the Pierson Township Zoning Ordinance was approved and adopted by the Township Board of Pierson Township, Montcalm County, Michigan, on **December 14, 2022**. This Ordinance shall be **effective on December 23, 2022** which date is the eighth day after the publication of the Zoning Text Amendment Ordinance in the Greenville Daily News as required by Section 401 of Act 110, as amended.



Dan Buyze, Township Supervisor

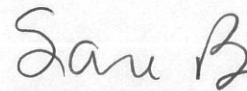


Sara Burkholder, Township Clerk



CERTIFICATE

I, Sara Burkholder, the Clerk for the Township of Pierson, Montcalm County, Michigan, certify that the foregoing Pierson Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on December 14, 2022. The following members of the Township Board were present at that meeting: Sower, Orcutt, Burkholder. The following members of the Township Board were absent: Buyze, Bergman. The Ordinance was adopted by the Township Board with members of the Board Sower, Orcutt and Burkholder voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Greenville Daily News* on December 17, 2022.



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Sara Burkholder, Clerk  
Pierson Township