

DRAFT: October 13, 2020
Approved: November 9, 2020
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In Effect: November 26, 2020

**GRATTAN TOWNSHIP
KENT COUNTY, MICHIGAN
(Ordinance No. 2020-001)**

At a regular meeting of the Township Board for Grattan Township held at the Township offices within the Township on November 9, 2020, at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Township Board Member Paul Knoerl and was seconded by Township Board Member Sabrina Freeman.

**AMENDMENTS TO THE GRATTAN TOWNSHIP ZONING
ORDINANCE REGARDING SHEDS, PUMP HOUSES,
ACCESSORY BUILDINGS AND STRUCTURES NEAR
LAKES, LAWFUL NONCONFORMING STRUCTURES,
CERTIFICATES OF OCCUPANCY, REVOCATION OF
ZONING COMPLIANCE PERMITS AND RELATED USES
AND MATTERS.**

THE TOWNSHIP OF GRATTAN (the “Township”) ORDAINS:

Article 1. A new Section 2.61-A is hereby added to the Grattan Township Zoning Ordinance for the definition of a “Shed” as follows:

2.61-A SHED

A structure with a roof with not more than 150 square feet of floor area, side walls not exceeding 6 feet in height and a total height (including the roof) not exceeding 8 feet above natural grade. Sheds normally do not require building permits (but require a zoning permit) and cannot have a cement or fixed foundation.

Article 2. Section 2.72 of the Grattan Township Zoning Ordinance is hereby amended to state for the definition of a “Structure” as follows:

2.72 STRUCTURE

Any constructed, installed, erected, or placed (whether with a foundation or not) material or combination of materials in or upon the ground having a fixed location, including, but not limited to buildings, dwellings, radio towers, billboards, light posts, swimming pools, storage bins (or the equivalent), animal enclosures other than fences, garages, pole barns, anything with a roof, sheds, accessory buildings, decks, platforms, outdoor bars or

kitchens, firepits and outdoor fireplaces over 12” in height above natural grade level, patios, solar panels (or the equivalent), portable or movable vehicle carports or similar enclosures, storage bins, portable or movable enclosures or protective devices, satellite dishes, towers, wind energy towers, windmills, gazebos, kayak or boat stations, holders or similar structures or items (not exceeding 4 feet in height above the natural grade and not longer than 8 feet in length), pergolas, tennis courts and signs.

The following are excluded from the definition of “structure” (i.e. such items are not structures):

- A. Lawful fences, decks at ground level (so long as no portion is above natural grade and it is not within 10 feet of the high water mark of a lake) and paving on sidewalks, streets, driveways, or parking areas.
- B. Decks or patios, no portion of which is located:
 - 1. More than two feet above the ground (natural grade).
 - 2. Closer than ten feet to a side, rear or front lot line.
 - 3. Within 30 feet of the high water mark of any lake.
- C. Retention walls not over five (5) feet in height.
- D. Seawalls along a lake with a state permit. In addition, one non-concrete or non-asphalt (i.e. non-solid) deck or patio at (and not higher than) natural grade level is allowed landward of, attached to and adjacent to a seawall, if the deck or patio is water permeable, does not exceed the height of natural ground level of the surrounding area, does not exceed 400 square feet in size or area and does not touch or run along more than 20 feet of the lake frontage or shore involved.
- E. Absent a seawall as stated in subsection D above, each lakefront lot may have one non-concrete or non-asphalt (i.e. non-solid) water permeable deck or patio not closer than 10 feet to the ordinary highwater mark of the lake so long as the top of any such deck or patio does not exceed the height of natural ground level of the surrounding area, the deck or patio does not run parallel to the lake shore for more than 20 feet in total length/width and is not more than 400 square feet in size or area.
- F. Propane tanks, flagpoles, landscaping (but excluding certain retaining walls), mailboxes and firewood piles.

Article 3. The Grattan Township Zoning Ordinance is hereby amended to add the definition of a “Pump House” as new Section 2.57-A as follows:

2.57-A PUMP HOUSE

A pump house is a small structure with a roof that does not exceed 12 square feet of ground area nor a sidewall height of 3 feet that is regularly and actively used for water pumping. Pump houses shall not be used for storage or uses other than water pumping.

Article 4. Existing Subsection 3.01(I) of the Grattan Township Zoning Ordinance is hereby amended to state in full as follows:

- (I) Not more than one (1) accessory structure or building shall be located on a lot or parcel of land between the waters of a lake or stream and the principal dwelling on the lot or parcel of land. No such accessory structure or building shall exceed eight feet in height (including a roof) nor have more than 150 square feet of floor area (except as otherwise provided below). An accessory structure or building located between a body of water and a principal dwelling shall not be located closer than ten feet to a side lot line, nor be located within 30 feet of the high water mark. For purposes of this Subsection (I), such accessory structures include, but are not limited to, the following:

1. Gazebo.
2. Pergola.
3. Shed.
4. Any structure with a roof, top or with rafters.
5. Bar or kitchen (not exceeding 6 feet in height above the natural grade).
6. Outdoor fireplace, permanent barbeque structure or similar structure (not exceeding 6 feet in height above the natural grade).
7. Firepits (not exceeding 3 feet above the natural grade)

Article 5. A new Subsection 3.01(O) is hereby added to the Grattan Township Zoning Ordinance as follows:

- (O) No screening structure shall be constructed, installed or maintained on any lakefront lot between the waters of the lake and the dwelling on that lot (or any closer to the lake than the dwelling on the lot) where the screening device has any of the following characteristics:

1. Is located within 30 feet of the high water mark of the lake.

2. Is located within 20 feet of any side lot line.
3. Is taller than 4 feet above natural grade.
4. Has a total surface area on one side greater than 30 square feet.
5. Substantially blocks the view from a dwelling or deck on an adjoining property of any portion of the lake for that adjoining property.

For purposes of this Subsection 3.01(O), a “screening structure” shall also include any lattice work, wall, fence (that is more than 50% solid or opaque), shielding structure or similar structure.

Article 6. Existing Subsection 3.01(A)(1) of the Grattan Township Zoning Ordinance is hereby amended to state as follows:

1. On a waterfront lot, there are special regulations contained in subsections 3.01 (I), (N) and (O) of this Ordinance.

Article 7. Existing Subsection 3.01(N) of the Grattan Township Zoning Ordinance is hereby amended to state as follows:

- N. The following shall be applicable for accessory structures in the R, R-L, and R-R Districts:

	Sheds	Other Accessory Buildings
R	No more than one shed. Cannot exceed 150 square feet of floor area. Side walls of sheds cannot exceed 6 feet in height.	No more than one accessory building or structure (i.e. a building, gazebo, pergola or similar structure) (in addition to the permitted shed).
R-L	No more than one shed. Cannot exceed 150 square feet of floor area. Side walls of sheds cannot exceed 6 feet in height.	No more than one accessory building or structure (i.e. a building, gazebo, pergola or similar structure) (in addition to the permitted shed).
R-R	No more than one shed. Cannot exceed 150 square feet of floor area. Side walls of sheds cannot exceed 6 feet in height.	On a lot less than two acres in size – no more than one accessory building or structure (i.e. a building, gazebo, pergola or similar structure) (in addition to the permitted shed). On a lot two acres or more in size - no more than two accessory buildings (in addition to the permitted shed).

Article 8. A new Subsection 19.02D is hereby added to the Grattan Township Zoning Ordinance, as amended, as follows:

- A. A zoning compliance permit may be revoked or suspended by the Zoning Administrator for any violation of this Ordinance or any other Grattan Township ordinance, as well as any Kent County Health Department requirement for health matters, wells or septic systems, any State of Michigan laws or regulations or any federal law or regulation of which the Zoning Administrator is aware. If a zoning compliance permit is revoked or suspended, then the building permit for the property involved shall also be revoked or suspended. No certificate of occupancy for a building or structure shall be issued if a zoning compliance permit for the property has been revoked or suspended (or never issued). In addition, no certificate of occupancy shall be issued for a building or structure if the building or structure (or the property upon which the building or structure is located) violates any provision of this Ordinance or any other Grattan Township ordinance, as well as any Kent County Health Department requirement for health matters, wells or septic systems, any State of Michigan law or regulation or any federal law or regulation of which the building official is aware. A zoning compliance permit may be revoked or suspended if there was any material misrepresentation of fact contained in the zoning compliance permit application or supporting materials.

- B. Nothing in this Article shall require either the Zoning Administrator or the building official to research, seek out or investigate whether a property complies with Kent County Health Department requirements for health matters, wells or septic systems, any State of Michigan laws or regulations or any federal law or regulation regarding the property involved. Furthermore, both the Zoning Administrator and the building official may require that the property owner submit to the Township documents from the Kent County Health Department or any State of Michigan agency if the Zoning Administrator or building inspector desires (at their sole option and discretion) to review any applicable permits, approvals, denials or violations of the statutes or regulations of those other governmental agencies.

Article 9. Subsection 4.03C of the Grattan Township Zoning Ordinance is amended to read in full as follows:

- C. Routine repairs and maintenance work that are required to keep a nonconforming structure in sound condition may be made. Structural changes (including, but not limited to, any change in or to the

supporting members of a building or accessory structures, foundations, bearing walls, columns, beams, floor or roof joists, girders, rafters, supporting posts, or changes in roof or exterior lines) shall not be made. A change may be made to a building foundation so long as it is necessary to repair water or other damage or deterioration to the foundation, it does not exceed 30% of the total area/mass of the overall existing foundation and it does not expand the footprint of the building.

Article 10. The Remainder of the Grattan Township Zoning Ordinance is Unaffected. Except as expressly amended by this Ordinance/ordinance amendment, the rest of Grattan Township Zoning Ordinance remains unchanged and in full force and effect.

Article 11. Severability. Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

Article 12. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Michelle Alberts, Sabrina Freeman, Paul Knoerl.

NAYS: NA


ABSENT: Frank Force, Dennis Heffron

THIS ORDINANCE/ORDINANCE AMENDMENT IS DECLARED TO BE DULY ADOPTED.

CERTIFICATION

I hereby certify the above is a true copy of the Ordinance/ordinance amendment adopted by the Township Board for Grattan Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By 
Michelle Alberts
Grattan Township Clerk

