

**COOPER CHARTER TOWNSHIP
ORDINANCE NO. 262**

**AN ORDINANCE TO ADOPT AMENDMENTS TO THE TOWNSHIP ZONING
ORDINANCE**

The Charter Township of Cooper ordains:

SECTION 1. AMENDMENT OF SECTION 120.14

Sec. 120.14 of the Township’s Zoning Ordinance entitled “Definitions” is hereby amended to add the following definitions:

Bed and Breakfast Inn: A private residence that offers overnight sleeping accommodations to guests on a temporary basis in the dwelling in which the innkeeper resides, including provisions for a morning meal for overnight guests only. The innkeeper is the real property owner and operator of the bed and breakfast.

Garage Sales: The exchange of used personal items for money which brings the public to the property and is conducted in a garage, accessory structure, or yard of a residentially zoned property for a period not to exceed three consecutive days and to occur no more than once every three months.

Sec. 120.14 of the Township’s Zoning Ordinance entitled “Definitions” is hereby amended to revise the following definitions:

Dwelling: A building, which is occupied on a permanent basis wholly as the home, residence, or sleeping place by one family and complying with the following standards: *(required standards recommended to remain the same)*

Family:

1. One or two persons with their direct lineal ascendants and descendants, including adopted or legally cared for children, together with not more than two unrelated persons, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
2. Not more than four unrelated individuals living together in one house, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, with a demonstrable and recognizable bond characteristic of a cohesive unit.
3. Notwithstanding the foregoing, certain types of living arrangements and occupancies shall not be considered within the scope of this definition, including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, and also not including a group of individuals whose association is temporary, transitional, and resort-seasonal in character or nature.

Height: The vertical distance measured from the average grade:

1. At the base of the building to the top of a flat roof.
2. At the base of the building to the mid-point of a sloped roof.
3. At the base of a structure to the highest point.

SECTION 2. AMENDMENT OF SECTION 120.110

Sec. 120.110 of the Township's Zoning Ordinance entitled "A" Agricultural District is hereby amended to add bed and breakfast establishments under subsection number 14 to (C) Special Exception Uses, which shall read as follows:

14. Bed and breakfast inn with the following conditions and limitations:

- a. The use shall be in a single-family residence which exists prior to the adoption date of this ordinance.
- b. The dwelling shall be the principal residence of the innkeeper.
- c. The dwelling has six or fewer sleeping rooms for guests to rent, excluding the sleeping rooms occupied by the innkeeper.
- d. All sleeping rooms must be within the existing single-family home. Exterior alterations to the residence to create additional accommodations is prohibited.
- e. The use shall be permitted on property with a minimum of five acres.
- f. No separate cooking facilities shall be provided for guests of the bed and breakfast operation.
- g. All food shall be served on the premises and shall be for the consumption of the innkeeper and guests only.
- h. The structure to house the bed and breakfast and any associated parking shall be at least 100 feet from any adjacent residentially zoned or used property. The Planning Commission may waive this requirement if the existing single-family dwelling cannot meet this distance requirement if a natural barrier of evergreen trees, deciduous trees, and shrubs exists or can be developed to provide an opaque screen between property lines that adequately buffers the bed and breakfast inn.
- i. The property shall be located on a County primary or secondary roadway. The parking lot shall be located so that motor vehicles are not required to back into the County roadway.
- j. Parking lots
 - i. Shall include one space for every guest room available for rent in addition to one space for the innkeeper, which can be within an enclosed structure.

- ii. Shall be screened from view from the roadway and adjacent properties to reduce impacts to the residential character of the area.
- iii. Are not required to be asphalt or concrete but must be delineated to ensure the proper area is provided for the required number of spaces measuring 9 feet by 20 feet.
- k. Occupancy shall be of a temporary nature for periods not to exceed 14 consecutive days.
- l. One wall sign and one freestanding sign are permitted. No sign shall be illuminated or animated or exceed 16 square feet in area. The freestanding sign shall be no more than six feet in height and must be placed at least ten feet from any property line.
- m. Parties and/or events are prohibited.

SECTION 3. AMENDMENT OF SECTION 120.190

Sec. 120.190 of the Township's Zoning Ordinance entitled "CBD" Cooper Business District subsection 5 under (C) Special Exception Uses is hereby amended as follows:

- 5. Bed and breakfast inn with the following conditions and limitations:
 - a. The use shall be in a single-family residence which exists prior to the adoption date of this ordinance.
 - b. The dwelling shall be the principal residence of the innkeeper.
 - c. The dwelling has six or fewer sleeping rooms for guests to rent, excluding the sleeping rooms occupied by the innkeeper.
 - d. All sleeping rooms must be within the existing single-family home. Exterior alterations to the residence to create additional accommodations is prohibited.
 - e. No separate cooking facilities shall be provided for guests of the bed and breakfast operation.
 - f. All food shall be served on the premises and shall be for the consumption of the innkeeper and guests only.
 - g. Parking lots
 - i. Shall include one space for every guest room available for rent in addition to one space for the innkeeper, which can be within an enclosed structure.
 - ii. Shall be screened from view from adjacent residentially zoned or used properties.

h. Occupancy shall be of a temporary nature for periods not to exceed 14 consecutive days.

SECTION 4. VALIDITY AND SEVERABILITY.

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 5. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be published and take effect seven days after publication as provided by law.

Approved this ____ day of _____, 2022.

CHARTER TOWNSHIP OF COOPER

NOTICE OF POSTING TO INTRODUCE PROPOSED ORDINANCE

PLEASE TAKE NOTICE that at its meeting on December 13, 2021, the Township Board received the following proposed ordinance amendment (the “Ordinance”):

- 120.14 Definitions – Amendments to the definition for height, dwelling, and family and new definitions for garage sales and bed and breakfast inn.
- 120.110 Agricultural District – Add “Bed and Breakfast Inn” as a special exception use, including requirements for number of rooms, required acreage, setbacks, parking, signage, occupancy, and exclusion of parties and events.
- 120.190 Cooper Business District – Amendments to the special exception use for “Bed and Breakfast Inn” to include additional language related to number of rooms, parking, and occupancy.

The Ordinance will be considered for adoption on January 10, 2022, at 7:00 p.m. The proposed Ordinance is available in its entirety for public inspection. The proposed Ordinance is posted at the office of the Township Clerk, 1590 West D Avenue, Kalamazoo, Michigan, and is posted on the website of the Charter Township of Cooper, www.coopertwp.org.

DEANNA JANSSEN, Clerk
Cooper Charter Township Hall
1590 West D Avenue
Kalamazoo, MI 49009
(269) 382-0223



Cooper Charter Township

1590 West D Avenue
Kalamazoo, MI 49009-6321
(269) 382-0223

STAFF MEMO

Meeting Date: December 13, 2021

Date: December 5, 2021

To: Planning Commission

From: Julie Johnston, AICP
Planner/Zoning Administrator

Regarding: Resolution No. 21-214 to Introduce Ordinance No. 262

Dear Township Board,

The Township received an application from Robert and Kathleen Kovacevich for a text amendment to allow bed and breakfast inns within the A: Agricultural District. The applicants previously utilized their home as a short-term rental, which is not permitted within Cooper Charter Township. However, after discussions with the applicants about their operation, it was learned that they continue to live in the home that is rented. Due to this, staff advised them their operation more closely aligned with a bed and breakfast as opposed to a short-term rental. The homeowners decided to apply for a text amendment to allow this type of use in the Agricultural District.

The Planning Commission reviewed whether bed and breakfast establishments are an appropriate use within the Agricultural District. They found that rural communities often allow this type of use so unique properties can become income generating uses. The Planning Commission felt that the potential impacts of a bed and breakfast to neighboring properties required some additional oversight, and therefore determined the best approach would be as a special exception use. To create the draft ordinance, staff reviewed the current regulations in the Cooper Business District for bed and breakfast establishments, which states:

“Bed and breakfast or similar lodging establishment that does not exceed six sleeping rooms and no meals, other than a breakfast, are served.”

The State of Michigan also has some specific regulations related to a bed and breakfast establishment, which are as follows:

Stille-Derossett-Hale Single State Construction Code Act (excerpt)- Act 230 of 1972
125.1504b Bed and breakfast

- (1) A bed and breakfast are considered under the code to be a single-family residential structure and shall not be treated as a hotel or other facility serving transient tenants. This section is effective throughout the state without local modification, notwithstanding the exemption provisions of section 8.*
- (2) This section does not affect local zoning, fire safety, or housing regulations.*
- (3) As used in this section, "bed and breakfast" means a single-family residential structure that meets all the following criteria:*
 - (a) Has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.*
 - (b) Serves meals at no extra cost to its transient tenants.*
 - (c) Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.*

In addition, the ordinances for a bed and breakfast inn were reviewed from the following communities:

- Oshtemo Charter Township
- Kalamazoo Charter Township
- City of Portage
- Laketown Township, Allegan County

Since bed and breakfast establishments are allowed in the Cooper Business District, staff suggested changes to that section as well to better align with some of the requirements recommended in the Agricultural District. Not all the Agricultural District requirements for a bed and breakfast inn are suggested for the Coopers Business District, as this district is designed for more intense uses.

Finally, staff utilized the opportunity of the ordinance amendment process to suggest some changes to the definition section. The two new definitions are to describe garage sales and bed and breakfast inns. The definition for garage sales was particularly needed to assist with ordinance enforcement of nuisance sales. Additionally, the definition for dwelling and family were also updated to assist with ordinance enforcement. Lastly, the definition for height was amended to remove "building" so that it would also apply to structures and to clearly define how height is measured for the benefit of Township staff.

The Planning Commission held their public hearing on November 17, 2021. No public comments were given, except from the applicant who thanked the Planning Commission for their assistance. At the conclusion of the public hearing, the Planning Commission unanimously approved to forward the draft amendments to the Township Board for approval. After Township Board review, staff recommends approval of Resolution No. 21-214 to adopt Ordinance No. 262 and permit the publication of the final notice of adoption.

Township Board
Intro. to Ord. 262
December 13, 2021

Thank you,

A handwritten signature in black ink that reads "Julie Johnston". The signature is written in a cursive, flowing style.

Julie Johnston, AICP
Planner/Zoning Administrator

Attachments: Resolution 21-214
Ordinance 262
Public Notice

CHARTER TOWNSHIP OF COOPER

RESOLUTION NO. 21-214

RESOLUTION INTRODUCING ORDINANCE NO. 262, AN ORDINANCE TO ADOPT AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE

A resolution made and adopted at a meeting of the Township Board of the Charter Township of Cooper, Kalamazoo County, State of Michigan, held on December 13, 2021, at 7:00 P.M.

PRESENT: _____

ABSENT: _____

The following Resolution was offered by _____ and seconded by _____.

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 to add bed and breakfast inns within the Agricultural District, to amend bed and breakfast inns in the Cooper Business District, to add definitions for a bed and breakfast inn and garage sales, as well as amending the definitions for dwelling, family, and height; 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; 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. 262, An Ordinance to Adopt Amendments to 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 January 10, 2022, 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: _____

NAYS: _____

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 13th day of December 2021.

DeAnna Janssen
Clerk, Cooper Charter Township