

**COOPER CHARTER TOWNSHIP
ORDINANCE NO. 265**

AN ORDINANCE TO ADOPT AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE

The Charter Township of Cooper ordains:

SECTION 1. AMENDMENT OF SECTION 120.110

Sec. 120.110 of the Township’s Zoning Ordinance entitled “Agricultural District” is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Agricultural service business, Rural service enterprise, Home occupations, Accessory uses, State licensed residential facilities, Family day care, and Private solar energy.
2. Move the regulations for mining, excavation, and/or the removal of earth or earth minerals to new Section 120.490.
3. Allow an accessory building to be constructed prior to a principal building as a conditional use subject to the following:
 - a. The building permit for the principal building must be issued and the foundation for the principal building must be inspected and approved before the issuance of the permit for the accessory building.
 - b. Construction of the principal building must commence within 60 days after the permit for the accessory building is issued.
 - c. The accessory building and its uses are subject to all other provisions of Section 120.410.
4. Eliminate other accessory building requirements as they are already regulated under 120.410: Accessory Uses or Buildings.
5. Eliminate allowing single-family homes to convert into duplexes in permitted use.
6. Eliminate duplexes as a special exception use.

SECTION 2. AMENDMENT OF SECTION 120.120

Sec. 120.120 of the Township’s Zoning Ordinance entitled “R-1 Rural Residential District” is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Home occupations, Accessory uses, State licensed residential facilities, Family

day care, Private solar energy, and an Accessory building prior to the construction of a primary building.

2. Eliminate other accessory building requirements as they are already regulated under 120.410: Accessory Uses or Buildings.
3. Eliminate duplexes as a special exception use.

SECTION 3. AMENDMENT OF SECTION 120.130

Sec. 120.130 of the Township's Zoning Ordinance entitled "R-2 Residence District Single Family" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Home occupations, Accessory uses, State licensed residential facilities, Family day care, Private solar energy, and an Accessory building prior to the construction of a primary building.
2. Remove Signs from Permitted Uses as they are regulated under Section 120.320.
3. Eliminate other accessory building requirements as they are already regulated under 120.410: Accessory Uses and Buildings.
4. Add adult foster care facilities as a special exception use, with the following requirements:
 - a. The use shall have off-street parking facilities to satisfy average parking needs.
 - b. Buildings and activities (including, but not limited to, parking, drive aisles, etc.) shall not be closer than 50 feet to any adjacent residentially zoned property.

SECTION 4. AMENDMENT OF SECTION 120.140

Sec. 120.140 of the Township's Zoning Ordinance entitled "R-3 Residence District Single Family and Two Family" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Home occupations, Accessory uses, State licensed residential facilities, Family day care, Private solar energy, and an Accessory building prior to the construction of a primary building.
2. Eliminate other accessory building requirements as they are already regulated under 120.410: Accessory Uses and Buildings.
3. Move duplexes to from Permitted Uses with regulatory conditions to Special Exception Uses to require Planning Commission review.

4. Add the following subsections to Private clubs, fraternities, lodges, excepting those the chief activity of which is a service customarily carried on as a business under Special Exception Uses:
 - c. No goods may be sold on the premises except for incidental transfers between members.
 - d. No activities may be conducted upon the premises which would constitute a nuisance to adjoining residences by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of a heavy volume of vehicular traffic to the premises. Noise, smoke, odor, electrical disturbances, or night lighting shall not be discernible beyond the boundaries of the property upon which the private club is located.
 - f. All buildings constructed as part of the private club facilities must be of a design which will be compatible with the buildings in the adjoining neighborhood.

SECTION 5. AMENDMENT OF SECTION 120.150

Sec. 120.150 of the Township's Zoning Ordinance entitled "R-4 Residence District Medium Density Multi Family" is hereby amended as follows:

1. Allow a single multiple family building on a parcel with no more than four dwelling units as a permitted use.
2. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Home occupations, Accessory uses, State licensed residential facilities, Family day care, Private solar energy, Multiple family dwellings in a development, and an Accessory building prior to the construction of a primary building.
3. Change Multiple Family Dwellings under a. General Regulations under Conditional Uses as follows:
 - (1) Building height to a maximum of 24 feet.
 - (2) Each dwelling unit containing 0 to 1 bedroom must provide 1 1/2 parking spaces. Each dwelling unit containing 2 bedrooms must provide at least 2½ parking spaces. Each dwelling unit with more than 2 bedrooms must have at least 1 additional parking space for each additional bedroom.
 - (8) When located within 100 feet of land zoned "R-1," "R-2" or "R-3," multiple-family dwelling buildings shall not contain more than 4 units. No more than 4 units shall be allowed at the first-floor level.
 - (10) Relationship to adjoining property: If any building or structure, including swimming pools, is proposed to be located within 100 feet of a single-family residentially zoned property, they shall be placed and the adjoining area screened and landscaped so that the neighboring single-family residential property will not be adversely affected. The Planning Commission will review during site plan evaluation to ensure impacts are mitigated.
4. Move Planned Apartment Developments to Special Exception Uses.

5. Allow all R-3 Special Exception Uses as a Special Exception Use in the R-4 District.

SECTION 6. AMENDMENT OF SECTION 120.160

Sec. 120.160 of the Township's Zoning Ordinance entitled "R-5 Residence District High Density Multi Family" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. All the Conditional Uses from the R-3 and R-4 Districts in the R-5 District.
2. Allow all Special Exception Uses from the R-3 and R-4 Districts in the R-5 District.
3. Remove Subsection G. Prohibited Uses, which relate to the keeping of animals as they are regulated under Section 120.480: Noncommercial Keeling of Livestock and Honeybees.

SECTION 7. AMENDMENT OF SECTION 120.170

Sec. 120.170 of the Township's Zoning Ordinance entitled "R-6 Mobile Home Park District" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Home occupations, Accessory uses, State licensed residential facilities, Family day care, Private solar energy, Mobile home parks, and Accessory buildings prior to a principal building.

SECTION 8. AMENDMENT OF SECTION 120.180

Sec. 120.180 of the Township's Zoning Ordinance entitled "RD Recreation District" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Private solar energy, Accessory buildings, Public utility buildings, Golf courses, Parks, playgrounds, and recreation areas, Tent, travel trailer, and recreational vehicle campgrounds, Waterfront marinas, boat launch, and livery facilities, and Keeping of animals incidental to a park.
2. Add the following to Private clubs, fraternities, and lodges:
 - a. No goods may be sold on the premises except for incidental transfers between members.
 - b. No activities may be conducted upon the premises which would constitute a nuisance to adjoining residences by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of a heavy volume of vehicular traffic to the premises. Noise, smoke, odor, electrical disturbances, or night lighting shall not be discernible beyond the boundaries of

the property upon which the private club is located.

- c. Adequate off-street parking must be provided to ensure sufficient parking space to meet the reasonably foreseeable demands upon the private club facilities.
- d. All buildings constructed as part of the private club facilities must be of a design which will be compatible with the buildings in the adjoining neighborhood.

SECTION 9. AMENDMENT OF SECTION 120.190

Sec. 120.190 of the Township's Zoning Ordinance entitled "CBD Cooper Business District" is hereby amended as follows:

1. Remove "All retail uses permitted in the "C-1" Local Commercial District, excluding package liquor sales, restaurants or similar businesses with hours of operation extending beyond 11:00 p.m." and Add:
 - Retail sales such as bakeries, clothing and dry goods, florist and garden supplies, furniture and household furnishings, groceries and food stuffs, hardware, hobby supplies, household appliances, pharmacies, variety stores, and antiques gifts.
 - Personal service establishments such as financial institutions, barber and beauty salons, laundromats, laundry and dry-cleaning pick-up businesses, music and dancing schools of instruction, photography studio, design studios, and tailoring.
 - Indoor health and fitness centers.
 - Funeral homes.
 - Restaurants without drive-in or drive-through facilities.
2. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Single family dwellings, Accessory uses, and Private solar energy.
3. Under Special Exception Uses, remove the allowance for uses in the C-2 District and change to permitted and special exception uses in the C-1 District, except for motor vehicle sales, outdoor storage, and sexually oriented businesses.
4. Add restaurants with drive-in or drive-through facilities as a Special Exception Use.
5. Add indoor commercial recreation enterprises such as dance halls, skating rinks, bowling alleys, or similar uses to Special Exception Uses.
6. Add the following to Design Criteria:
 3. Front yard build-to lines and setbacks.

- a. The build-to line shall be a minimum of 10 feet from the preserved right-of-way, which is an additional 17-feet of width on each side of a 66-foot-wide County primary road, creating a total 100-foot right-of-way. This "build-to" line is intended to provide a more consistent setback of buildings.
- b. The maximum building setback from the preserved right-of-way shall be 33 feet.
- 4. Sidewalks are required unless waived by the Planning Commission with a deed restriction requiring the construction of sidewalks at such time as required by the Township.
- 5. Visual appearance. For nonresidential buildings, the visual appearance shall include glass for eye-level display and shall include porches, awnings, canopies, or other architectural relief such as window bays, alcoves, variations in building depth, or vertical relief such as columns or pilasters to provide façade articulation and cover for pedestrians.
- 7. Add the following Subsection:

G. Existing Uses:

Uses existing within the Cooper Business District on the date of (Insert Date) when Ordinance (Insert Number) became effective, but which do not conform to the present allowable uses, shall be permitted to repair, or reconstruct existing structures to their original size, shape, and design if damaged or destroyed. A building permit must be obtained within twelve (12) months from the date of the damage and construction must be completed within eighteen (18) months from the date of permit issuance.

SECTION 10. AMENDMENT OF SECTION 120.200

Sec. 120.200 of the Township’s Zoning Ordinance entitled “C-1 Commercial District, Local” is hereby amended as follows:

- 1. Remove hospitals as a permitted use and add urgent care and walk-in clinics.
- 2. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Warehouses with commercial uses, Accessory uses, and Private solar energy.

SECTION 11. AMENDMENT OF SECTION 120.210

Sec. 120.210 of the Township’s Zoning Ordinance entitled “C-2 Commercial District, General” is hereby amended as follows:

- 1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Automobile and truck repair garage, Automobile and truck sales, Private solar energy, Machinery and heavy equipment sales, Accessory uses, Public utility buildings, and Mini-warehouse business.

2. Add the following to Special Exception Uses:

2. Private commercial clubs.

- a. The use shall have frontage on a paved primary road.
- b. The use shall have off-street parking facilities to satisfy peak parking needs.
- c. Building and activities (including, but not limited to, parking, drive aisles, etc.) shall not be closer than 50 feet to adjacent residentially zoned properties.

SECTION 12. AMENDMENT OF SECTION 120.220

Sec. 120.220 of the Township's Zoning Ordinance entitled "C-3 Commercial District, Shopping Center" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Private solar energy, Accessory uses, and Public utility buildings.

3. Add the following to Special Exception Uses:

7. Private commercial clubs.

- a. The use shall have frontage on a paved primary road.
- b. The use shall have off-street parking facilities to satisfy peak parking needs.
- c. Building and activities (including, but not limited to, parking, drive aisles, etc.) shall not be closer than 50 feet to adjacent residentially zoned properties.

4. Add the following to Special Exception Use Mini-warehouse business:

- a. The distance between buildings shall be not less than 30 feet.
- b. The perimeter of the site shall be fenced with a privacy fence or chain-link or metal mesh fence with openings that do not exceed two- and-one-fourth (2¼) inches. Such fencing to be a minimum of 6 feet in height.
- c. No storage of industrial or commercial goods or materials. Residential or office storage is permitted.

SECTION 13. AMENDMENT OF SECTION 120.230

Sec. 120.230 of the Township's Zoning Ordinance entitled "I-1 Industrial District, Restricted" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Fully enclosed warehouses, Accessory uses, and Private solar energy.

SECTION 14. AMENDMENT OF SECTION 120.240

Sec. 120.240 of the Township's Zoning Ordinance entitled "I-2 Industrial District, Manufacturing and Service" is hereby amended as follows:

1. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Manufacturing, compounding, assembling of articles, Accessory uses, Private solar energy, and any Conditional Use in the I-1 District.

SECTION 15. AMENDMENT OF SECTION 120.240

Sec. 120.240 of the Township's Zoning Ordinance entitled "I-2 Industrial District, Manufacturing and Service" is hereby amended as follows:

1. Add any permitted use in the I-2 District under Permitted Uses.
2. Create a Conditional Use subsection for uses that have regulatory conditions but do not require a public hearing and approval by the Planning Commission. The following uses will be moved to Conditional Uses: Accessory uses, Public buildings, Private solar energy, and any Conditional Use in the I-2 District.
3. Add any Special Exception Use listed in the I-2 District under Special Exception Uses.

SECTION 16. AMENDMENT OF SECTION 120.240

Sec. 120.420 of the Township's Zoning Ordinance entitled "Special Exceptions" is hereby amended as follows:

1. Remove Subsection E. Minimum Standards Required of Special Exception Uses as they have all been moved to the Use Districts.

SECTION 17. AMENDMENT OF SECTION 120.240

Add a new Sec. 120.490 of the Township's Zoning Ordinance entitled "Mining, Excavation, and/or Removal of Earth Minerals" is hereby amended as follows:

SECTION 18. 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 19. 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 20. EFFECTIVE DATE.

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

Approved this ____ day of _____, 2023.