

CHESTER TOWNSHIP
(Ordinance No. 2023-_____)

ZONING ORDINANCE TEXT AMENDMENT

AN ORDINANCE TO ADD A DEFINITION OF AN ACCESSORY DWELLING UNIT TO SECTION 200-A OF THE CHESTER TOWNSHIP ZONING ORDINANCE AND TO ALSO ADD A NEW SECTION 348 TO CHAPTER 3 OF THE CHESTER TOWNSHIP ZONING ORDINANCE REGARDING ACCESSORY DWELLING UNITS AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF CHESTER (“TOWNSHIP”), COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

ARTICLE I - A new definition is hereby added to the Definition provisions in Section 200-A of the Chester Township Zoning Ordinance as follows:

An accessory dwelling unit (ADU) is an attached or detached secondary residential dwelling that is incidental, accessory and subordinate to a principal use consisting of a single-family detached dwelling located on the same lot or parcel as the ADU. The ADU may contain sleeping quarters, a bathroom, living area, and/or kitchen.

ARTICLE II - A new Section 348 is hereby added to the Chester Township Zoning Ordinance to read as follows:

Section 348 - Accessory Dwelling Units

- A. An ADU may be located only on a conforming lot or parcel in the Low Density Residential (LDR) and Agricultural (A) Districts. Only one such ADU dwelling unit shall be permitted on a parcel or lot. Every ADU must receive site plan approval by the Planning Commission. The ADU dwelling unit shall not have an address separate from that of the principal single family dwelling on the property.
- B. An ADU shall be used only for a single family residential use that is accessory, subordinate and incidental to the principal single family residential dwelling located on the same parcel or lot, such as a dwelling for short-term guests or family of the residents of the principal dwelling or a dwelling unit for an elderly or medically infirm family member.

- C. An ADU shall comply with all setback requirements applicable to a principal dwelling.
- D. The ADU shall be at least 300 square feet in size for the first floor; but no larger than 35 percent of the usable floor area of the principal dwelling or 1,200 square feet in total, whichever is less. Space within a garage which is in the same building as the accessory dwelling unit building shall not be counted against the maximum area limitation for an ADU. The roof pitch of the ADU shall match that of the principal building. No ADU shall be occupied or used until and unless a certificate of occupancy has been issued for the ADU.
- E. The ADU, if attached to the principal dwelling, may be designed as an independent housekeeping unit that can be isolated from the principal dwelling.
- F. Approval of on-site septic and well systems by the Ottawa County Health Department shall be required.
- G. The ADU shall not have a separate mailing address, or except as provided below, shall not have separate meters for public utilities, such as electric and gas. Separate meters for public utilities may be permitted by the zoning administrator if separate metering is required by an applicable code, ordinance, or policy of the utility. If separate meters are provided, the owner shall be the customer and responsible party for both billings.
- H. At least one parking space shall be provided for the ADU, and vehicular access shall be from the same driveway serving the principal dwelling.
- I. With the exception of Sections 331.A.2 and 331.A.15, a detached ADU shall meet all requirements of Section 331; provided, however, that the minimum width for an ADU dwelling may be reduced to not less than 16 feet wide for at least 67 percent of its length.
- J. The ADU shall have a residential appearance and construction consistent with the design and the exterior materials of the principal dwelling.
- K. Detached ADUs shall not be located within the front yard. Corner lots are considered to have a front yard along each street frontage.
- L. The ADU shall not be sold, transferred or devised separately or apart from the principal dwelling. The ADU shall not be rented or leased out. Neither the ADU nor the principal dwelling on the lot shall be used for home occupation, day care, Airbnb, short-term rental or any other commercial, business or industrial use or activity (except for farm use in the A-Agricultural district).
- M. The applicant and property owner shall prepare a restrictive covenant or other legal instrument, subject to the approval of the zoning administrator, whereby the use of the ADU shall be limited as stated in this section. The instrument shall be recorded with the county register of deeds after approval by the Township (but before the ADU

is constructed or installed). The instrument shall include substantially all of the following:

1. A statement that the principal dwelling and the ADU shall remain in the same ownership.
2. A statement that the ADU shall not be used as a rental dwelling or for any other commercial purpose.
3. Other restrictions as may be required by the zoning administrator to be included in the restrictive covenant or similar instrument, consistent with the provisions hereof.

N. The Planning Commission may attach reasonable conditions to the approval of an ADU.

ARTICLE III - Severability. Should a court of competent jurisdiction ever declare that this Ordinance/ordinance amendment (or any portion hereof) is unconstitutional or invalid, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

ARTICLE IV - The Remainder of the Zoning Ordinance is Unchanged. Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Chester Township Zoning Ordinance, as amended, remains unchanged and in full force and effect.

ARTICLE V - 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 local newspaper as provided by law.

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

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

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

Respectfully submitted by,

Helen Dietrich
Chester Township Clerk