

**Niles Charter Township
Berrien County
Ordinance # 75**

AN ORDINANCE TO AMEND SECTIONS 3.08, A - ACCESSORY BUILDINGS; 4.08, B TABLE OF LAND USES; AND 21.36 SPECIAL LAND USES, OF THE NILES CHARTER TOWNSHIP ZONING ORDINANCE.

NILES CHARTER TOWNSHIP HEREBY ORDAINS:

1. Section 3.08, A, subparagraph 7 of the Niles Charter Township Zoning Ordinance, is hereby amended to read as follows:

7. Accessory buildings, sizes, and heights.

- a. The total area for all accessory buildings shall not exceed the floor areas noted in subparagraph b, below.
- b. Accessory Buildings to Single- and Two-Family Dwellings. Maximum gross floor areas and heights for buildings accessory to single and two family dwellings:

Parcel Area	Maximum Number of Accessory Structures	Maximum Floor Area for all Structures*	Maximum Height
Less than one (1) acre	2	1,200 SF	14 feet
One (1) to Two (2) acres	3	1,800 SF	18 feet
Greater than 2 up to 3 acres	3	2,200 SF	22 feet
Greater than 3 up to 4 acres	3	2,800 SF	28 feet
Greater than 4 up to 5 acres	3	3,200 SF	28 feet
Greater than 5 up to 6 acres	4	3,600 SF	28 feet
Greater than 6 up to 7 acres	4	4,000 SF	28 feet
Greater than 7 up to 8 acres	4	4,400 SF	28 feet
Greater than 8 up to 9 acres	4	4,800 SF	35 feet
Greater than 9 up to 10 acres	4	5,200 SF	35 feet
More than 10 acres	4	5,600 SF	35 feet

* An applicant may seek special land use approval for an Outsized Accessory Building pursuant to Section 21.36 for proposed accessory buildings that exceed that standards set forth in this section.

- c. All Other Principal Uses. Maximum floor areas for buildings accessory to principal uses other than single- and two-family dwellings:
 - 1) Buildings accessory to farms and agricultural operations: no area or height size limitation.

- 2) Multiple family developments: same as section 3.08, A, 7, b, excluding garages or carports for the use of residents.
 - 3) Manufactured home parks: as required by Chapter 10.
 - 4) Nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the gross main floor area of the principal building(s).
 - 5) In Nonresidential districts accessory building floor area shall be regulated in accordance with the lot coverage limitations for the district.
- d. Accessory buildings in Nonresidential Districts may be constructed to the permitted maximum height for the zoning district in which it is located. Provided, however, that farm buildings in the AP and RP districts may be constructed without limitation as to height.
 - e. For the purposes of this ordinance a structure consisting of a framework of wood, plastic or metal which is secured to the ground by anchor, rod, rod drill, buried or unburied weight and covered with fabric, plastic, metal panels or other lightweight materials, shall be considered an accessory building subject to the terms of this Section.
2. Section 4.08, B Table of Uses of the Niles Charter Township Zoning Ordinance is hereby amended to add "Outsized Accessory Building" in alphabetical order to the listing of special land uses in the AP, RP, R-1A, R-1B and R-2 Districts.
 3. Section 21.36 of Chapter 21, Special Land Uses, of the Niles Charter Township Zoning Ordinance is hereby amended to read as follows:

Section 21.36– Outsized Accessory Building

In addition to the standards of Section 21.03 of the Niles Charter Township Zoning Ordinance, the Planning Commission shall find that a proposed Outsized Accessory building which exceeds the maximum floor area requirements of Section 3.08 shall meet the following specific Special Land Use standards.

- A. Maximum Gross Floor Areas. The maximum combined gross floor area of all accessory buildings that may be approved pursuant to this Section 21.36 shall be a function of the parcel area as set forth below:

Parcel Area	Maximum Floor Area for all Structures*
One (1) to Two (2) acres	2,700 SF
Greater than 2 up to 3 acres	3,300 SF
Greater than 3 up to 4 acres	4,200 SF
Greater than 4 up to 5 acres	4,800 SF
Greater than 5 up to 6 acres	7,200 SF
Greater than 6 up to 7 acres	8,000 SF
Greater than 7 up to 8 acres	8,800 SF
Greater than 8 up to 9 acres	9,600 SF
Greater than 9 up to 10 acres	10,400 SF
More than 10 acres	14,000 SF

- B. The Planning Commission shall find that any Outsized Accessory Building shall be effectively screened from neighboring properties by topography, vegetation or isolation distance to mitigate any imposition on the surrounding area.
 - C. As a condition for Special Land Use approval for an Outsized Accessory Building permitted under this section, the applicant shall provide to the Township a copy of an instrument as recorded with the Berrien County Register of Deeds indicating that any future division of the subject parcel shall meet the above limits for lot area and accessory building ground floor area provided in this Section 21.36.
4. Severability: If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.
5. Effective Date: This ordinance shall be effective eight (8) days after its publication in a newspaper of general circulation within Niles Charter Township.

NILES CHARTER TOWNSHIP

Date: _____

By: _____
James Stover, Supervisor

Date: _____

By: _____
Terry Eull, Clerk

Published Date: July 7, 2016