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**Sec. 6.101. Background.**

The City of Zeeland seeks to preserve and protect the integrity of its residential neighborhoods. Thus, the intent of this article is to maintain strong, healthy, residential neighborhoods. Such neighborhoods are generally understood to be defined, continuous, contiguous, unified, coherent, permanent groupings of residential dwellings, each group possessing its own sense of place and community and its own identity—all of which could be lost, to the detriment of the individual neighborhoods and the community as a whole, if sufficient care is not taken.

**Sec. 6.102. Intent.**

The intent of this article is to encourage the preservation of homes within residential districts and it is also to ensure that the public safety is protected if any structure is permitted to be demolished.

**Sec. 6.103. Definitions.**

*Demolition* means the deconstruction of a structure which is located on a lot, or the moving of a structure off of a lot.

*Interested party to a demolition* means the City of Zeeland and also any person or entity to whom a notice of demolition hearing is required to be sent.

*Residential group*, for purposes of this article, means two or more single-family or multi-family dwelling units which have the following characteristics:

- (1) The dwelling units are on property which is zoned for residential use;
- (2) The group of dwelling units have definite boundaries which are provided by visual

physical features, including but not limited to roads, railroads, railroad tracks, and the residential dwelling units themselves;

- (3) The group of dwelling units have been designated within the master plan as a residential group;
- (4) The dwelling units within the group present a coherent and permanent grouping of dwellings. (A group of dwelling units may be within the same block or may be formed in conjunction with dwelling units across a street.);
- (5) The dwelling units within the group constitute a safe and a viable residential area and are not unduly affected by nonresidential uses; and,
- (6) The dwelling units are not significantly isolated from other dwelling units by adjacent, nonresidentially zoned property.

#### **Sec. 6.104. Prohibition.**

No structure with an area of 800 square feet or larger on the ground floor maybe demolished without application to and approval from the planning commission. No building with an area smaller than 800 square feet may be demolished without application to and approval from the zoning administrator.

#### **Sec. 6.105. Application.**

- (a) An application to demolish a structure shall be made on an application form which is obtained from the office of the zoning administrator. All applications for a demolition permit shall be filed with the zoning administrator's office. Such application shall also provide that the application and the applicant's demolition contractor, if any, shall be liable for any damage or liability which occurs to arise as the result of a demolition. In filing for a demolition permit, a timetable for demolition and the plan of how the demolition is to be completed shall be presented. An applicant shall also disclose in the application whether any explosives shall be used in a demolition, including a description of the type and amount of explosives.
- (b) An application for a demolition must be submitted at least 30 days prior to the date of a public hearing.
- (c) At least 15 days prior to the public hearing, a notice of hearing shall be mailed to all property owners and occupants within 300 feet of the proposed demolition property and such notice must also be published in a local newspaper.

#### **Sec. 6.106. Fee.**

At the time that an application is filed, a nonrefundable filing fee of \$300.00 shall be paid.

#### **Sec. 6.107. Hearing.**

The planning commission shall hold a public hearing on all demolition applications, except as may be otherwise exempted by city ordinance. The applicant, anyone receiving notice of the public hearing, and the public shall be permitted to submit evidence at such hearing.

#### **Sec. 6.108. Decisions.**

- (a) A structure may be demolished if all of the following criteria are met:
  - (1) The demolition will not result in a public safety concern.
  - (2) If a proposed demolition involves a dwelling, one or more of the following

substandards must be met in order to approve a demolition:

- a. The property on which the dwelling is located must be zoned for a nonresidential use;
- b. The applicant provides an affidavit that the applicant will begin reconstructing a residential dwelling within six months from the date of demolition on the lot in which the demolition is proposed;
- c. The applicant will be combining a lot with an adjacent residential lot and a site plan is presented showing that the lot on which the demolition is proposed to take place will be landscaped and/or fenced so as to appear to be a part of an adjacent residential lot, and if the lot on which the demolition will take place will not be used for any nonresidential purposes;
- d. A residential lot for which demolition is proposed has less than 45 feet of street frontage; or,
- e. The City of Zeeland has condemned a home.

(3) In addition, for each demolition of a residential dwelling, the following criteria must also be met:

- a. The demolition must not be contrary to the master plan;
- b. The demolition and the proposed development after the demolition must not be detrimental to adjacent property owners;
- c. The demolition and the proposed development after the demolition must not be detrimental to an adjacent residential zoned group;
- d. The demolition must not violate the integrity of the residential group or be contrary to the characteristics according to which the residential group has developed;
- e. The property for which the demolition is proposed cannot be reasonably used with the existing structure, and the deterioration of the existing structure must not have been caused or have been permitted to occur during the applicant's ownership of the property.

- (b) If a demolition is approved, the applicant must sign an affidavit acknowledging that as the result of the approval of a demolition, that the City of Zeeland shall not be obligated to rezone the premises on which the structure for which demolition is located inasmuch as an applicant may be creating a self-created hardship.
- (c) Following the holding of the public hearing, the planning commission may approve, deny, or table the making of a decision on the demolition application. In addition, the planning commission shall have the right at its discretion or in the interest of justice to continue the public hearing at a subsequent planning commission meeting. The planning commission shall, however, make a decision on a demolition application within 60 days from the date that a hearing was first held or from the date on which a hearing was first scheduled to be held by the city.

### **Sec. 6.109. Appeals.**

An appeal of a denial or approval of a demolition permit may be made to the zoning board of appeals.

### **Sec. 6.110. Demolition hearing exemptions.**

No demolition hearing shall be required if a structure is condemned for structural reasons by the zoning administrator. In addition, no demolition hearing shall be required for any structure which is

located on industrially zoned premises or for any structure which is smaller than 800 square feet.

### **Sec. 6.111. Bonding.**

A bond may be required prior to granting a demolition permit so as to provide for the protection of adjacent property owners and the public. The amount of the bond shall be determined on the basis of the risks involved. The amount of the bond may be established by either the planning commission or by the zoning administrator.

### **Sec. 6.112. Demolition process.**

- (a) An applicant shall be responsible for the fencing or partitioning of the area surrounding the structure to be demolished.
- (b) The general public shall not be permitted to have access to the structure during the demolition process.
- (c) All demolition and site repair work shall be completed within the time specified in the approved application.
- (d) Rubble from the demolition must be removed within the time stated in the approval.
- (e) All site restoration work must also be completed within the time specified in the demolition application.
- (f) In addition, an applicant shall comply with all other administrative requirements which may be established by a department of the City of Zeeland so as to protect the public safety.

### **Sec. 6.113. Noncompletion.**

- (a) At the time at which a demolition application is filed, an applicant shall also be deemed to have granted an easement to the City of Zeeland to complete any demolition and site restoration work which is not completed by the applicant.
- (b) The applicant shall be liable for all costs which are incurred by the City of Zeeland for any completion work which is performed by the City of Zeeland, and the City of Zeeland shall have the right to file a lien against the said property for any amount which is owed to the City of Zeeland for work performed by the City of Zeeland.

### **Sec. 6.114. Moving.**

In addition to having a hearing regarding the moving of a home pursuant to the terms of this ordinance, an applicant shall also be required to have a hearing before the Zeeland City Council pursuant to its Moving Buildings Ordinance.